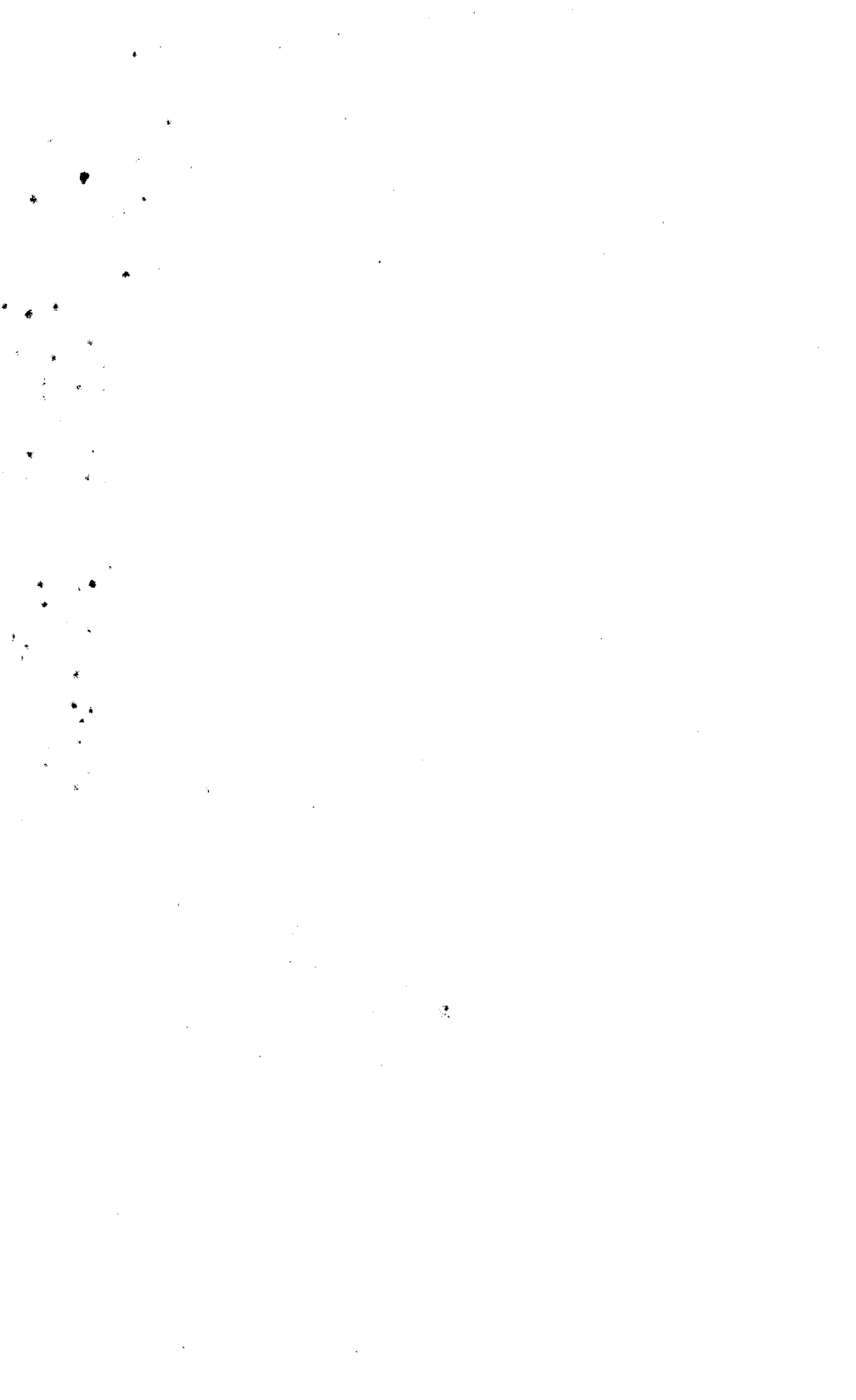


JOURNALS
OF
THE SENATE
AND
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SPECIAL SESSION OF 1921
HELD IN THE CITY OF MONTGOMERY
COMMENCING
TUESDAY, OCTOBER 4, 1921



WITH INDICES PREPARED BY THE
SECRETARY OF THE SENATE AND CLERK OF THE HOUSE

Montgomery, Ala.
Brown Printing Company
State Printers and Binders
1922



JOURNAL
OF
THE SENATE
OF THE
STATE OF ALABAMA

FIRST DAY

Montgomery, Ala., Tuesday, October 4, 1921.

Be it remembered that on the 24th day of September, A. D. 1921, Thos. E. Kilby, governor of the State of Alabama, issued his proclamation in words and figures, to-wit:

A PROCLAMATION BY THE GOVERNOR

Whereas, in my opinion an emergency exists requiring the action of the Legislature of Alabama concerning the matters hereinafter specifically mentioned.

Now, Therefore, I, Thomas E. Kilby, Governor of the State of Alabama, do hereby call an extraordinary session of the Legislature to convene at the capitol in the Senate chamber and in the hall of the House of Representatives on Tuesday, the 4th day of October, 1921, at twelve o'clock noon, and I do hereby designate the following subjects and matters as those concerning which action of the Legislature is deemed necessary, namely:

1. To provide for raising money to match funds appropriated by the United States government for the building and maintenance of highways and bridges in the State of Alabama, and to amend the act creating the State highway commission and to amend sections 1408 and 1409 of the Code of 1907 providing for the issuance of bonds by municipalities for road improvement purposes.

2. To provide for exemption of soldiers, sailors and marines from payment of poll taxes.

3. To provide for the development of ports, water fronts and river systems.

4. To revise laws relating to the observance of Sunday and to regulate the exhibition of motion pictures.

5. To permit the manufacture and sale of nonalcoholic cereal beverages.

6. To appropriate money to the State Training School for Girls for building purposes.

7. To amend the law governing the printing and use of fertilizer tags.

8. To authorize the bringing of suits against unincorporated associations.

9. To amend the act which provides for the employment of convicts in mining coal on University coal lands and abolishes the system of leasing convicts.

10. To enable cities and towns to provide means to secure adequate supplies of pure and wholesome water.

11. To provide that advice of the Judges of the Supreme Court of Alabama may be furnished to the governor and the Legislature concerning the constitutionality of bills proposed to be introduced in the Legislature of bills pending therein.

12. To provide for the substitution of tax records of counties which have been lost, stolen or destroyed and for the assessment and collection of taxes for any year when such assessment and collection depends upon substituted records.

13. To amend chapter 176 of the Code of 1907, regulating boycotting and blacklisting.

14. To provide for the deposit and keeping of county funds.

15. To further protect salt water shrimp within the waters of the State of Alabama and within the waters subject to the jurisdiction of the State.

16. To amend the statutes of the State providing for change of venue.

17. To provide penalties for failure to comply with section 7654 of the Code.

18. To appropriate money to defray the expenses of the special session hereby called.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this the 24th day of September, 1921.

THOS. E. KILBY,

Governor.

By the Governor:

WM. P. COBB,

Secretary of State.

In pursuance whereof, at the hour of 12 o'clock M., on Tuesday, October 4, 1921, the Senators in the Legislature of Alabama assembled in the Senate chamber.

The Senate was called to order by the Hon. Nathan L. Miller, lieutenant governor and president of the Senate.

ROLL CALL.

Upon a call of the roll the following Senators responded to their names:

Messrs:

Acker	Craft	Moore	Rogers (Sumter)
Baker	Ellis	Morris	Sims
Beale	Espy	McDowell	Smith (Coosa)
Brown	Evins	Nance	Smith (Lawrence)
Caffey	Griffith	Phillips	Tally
Carlton	Harper	Prestwood	Teasley
Carmichael	Huddleston	Rogers (Lauderdale)	Webb
Cowan	Leith		

—30

The session was opened with prayer by the Rev. J. O. Colley, of Montgomery.

LEAVE OF ABSENCE.

On motion of Mr. McDowell, Mr. Bedsole was granted a leave of absence for the balance of the week.

On motion of Mr. Ellis leave of absence was granted Mr. Kelly for the day.

On motion of Mr. Craft leave of absence was granted for the day to Mr. West.

RESOLUTIONS.

Mr. Acker offered the following resolution:

SENATE RESOLUTION NO. 1.

Be it resolved by the Senate of Alabama, that the printed rules adopted by the Senate at the last special session of the Legislature be and the same are hereby adopted for the government of the Senate for this special session.

Which resolution, under a suspension of the rules and on motion of Mr. Acker, was adopted.

Mr. Acker offered the following resolution:

SENATE RESOLUTION NO. 2.

Be it resolved by the Senate of Alabama, that all the officers and employees of the Senate elected by the Senate at the last regular session of the Legislature be and they are hereby re-elected and continued in their respective offices during this special session of the Legislature.

Which resolution under a suspension of the rules and on motion of Mr. Acker was adopted.

Mr. McDowell offered the following resolution:

S. J. R. 3. Whereas, the Legislature of Alabama has been called into extraordinary session for the purpose of considering a large number of measures, to-wit: eighteen matters stated in the call convening said session, and whereas, the most intense and practical matter that confronts the people of Alabama at this time, is the excessive amount of taxes that they are called upon to pay, and whereas, the reduction of said taxes is a matter of such great and grave concern to the people of this commonwealth, that this Legislature should take some act or step towards providing relief for the people, and whereas, the call convening this Legislature in extraordinary session is silent on this one matter, which is of the gravest importance to our people.

Therefore, be it resolved by the Senate, the House concurring, that it is the sense of the Senate, that the Finance and Taxation Committee of the Senate, and the Ways and Means Committee of the House, be and they are hereby instructed to

hold a joint session for the purpose of amending the said present revenue act of Alabama, in such a manner as the necessary relief now sought by the taxpayers of this State may be obtained.

Which resolution was read one time and referred to the Standing Committee on Rules.

Mr. Acker offered the following resolution:

SENATE RESOLUTION NO. 4.

Be it resolved by the Senate, that the Secretary be and he is hereby authorized and directed to notify the House that the Senate has organized by re-electing and continuing in office all of the elective officers and employees who were elected at the last regular session of the Legislature.

Which resolution under a suspension of the rules on motion of Mr. Acker, was adopted.

Mr. Carmichael offered the following resolution:

SENATE RESOLUTION NO. 5.

Resolved, that the Committee on Rules shall prepare and present to the Senate a resolution providing for the appointment of clerks of committees.

Which resolution, under a suspension of the rules, and on motion of Mr. Carmichael, was adopted.

Mr. Carmichael offered the following resolution:

SENATE JOINT RESOLUTION NO. 6.

By Mr. Carmichael:

Resolved by the Senate, the House concurring, that a joint committee of two from the Senate and three from the House be appointed to wait upon the governor and to notify him that the Legislature is duly organized.

Which resolution, upon a suspension of the rules, was adopted.

Thereupon the President of the Senate named the following as members of the committee on the part of the Senate: Messrs. Acker and Carmichael.

MESSAGE FROM THE HOUSE.

Mr. President:

I am directed by the House to notify the Senate that the House has organized and has elected the following subordinate officers for the term prescribed by law.

John Q. Adams, Assistant Clerk.

Leon Jackson, Engrossing Clerk.

W. P. Fonville, Enrolling Clerk.

J. A. Herlong, Assistant Doorkeeper.

And is now ready for the transaction of the public business.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 6 relative to the appointment of joint committee to wait upon the governor and the Speaker has named on part of the House, Messrs. Murphree, Tunstall and Ross.

Fred H. Gormley,
Clerk.

STANDING COMMITTEES NAMED.

The lieutenant governor and presiding officer of the Senate named the standing committees of the Senate as constituted in the special session of 1920.

RESOLUTION.

Mr. Caffey offered the following resolution:

S. J. R. 7. Whereas, an All-Wise Providence has removed from our midst by death, Hon. William D. McCurdy, twice a Representative from Lowndes county, and once a Senator from the Sixteenth District, and both the State and his county are thereby deprived of the services of a valued citizen; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, that in the death of former Representative McCurdy, the State has lost a citizen of high character and true worth, and the community in which he lived a public spirited leader.

2. That a page of the Journal of this Senate be set aside and suitably inscribed with these resolutions in his memory and that copies thereof be given to the public press and forwarded to members of his family.

3. And that as a further mark of respect, at the expiration of these exercises, the Senate do stand adjourned for ten minutes during the funeral services to be held today.

Which on a suspension of the rules was adopted.

RESOLUTIONS.

Mr. Prestwood offered the following resolution:

SENATE JOINT RESOLUTION NO. 8.

Whereas, the State Highway Department was created, as it is now constituted, by the Legislature in 1919, and began functioning under said act October 1st, 1919.

Whereas, the Legislature has created a special fund, being a fund obtained by the sale of all motor vehicle licenses in the State, and

Whereas, said Highway Department has been operating under said act and dispersing the moneys derived from said special fund, and

Whereas, said fund was created by the Legislature in anticipation of the ratification of the proposed Bond Issue Amendment to the Constitution, and

Whereas, said Bond Issue Amendment has been declared invalid by the Supreme Court of Alabama, and the Legislature is now called upon again to re-submit said amendment to the people of Alabama, and

Whereas, the Legislature being desirous of all information that can be obtained from the State Highway Department, as to their acts and doings to the end that all members of the Legislature may act intelligently upon all matters submitted to them for their consideration in this behalf.

Therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that the State Highway Department be required to furnish forthwith to both houses of the Legislature a detailed statement, showing all receipts and disbursements since October 1st, 1919, and including in said statement the amount of all salaries and compensations paid and authorized by said department to be paid to any and all of its officers and employees; the number of miles of roads constructed and with what material and the costs of same and where located; the number of bridges constructed and with what material, and the location of each and the cost of each; the number of projects surveyed and the number of miles included in said project or projects, and the cost of same and where located; the total amount expended for all purposes and the balance now on hand at the time of making this statement; the amount and amounts of Federal aid received and where and when distributed.

All information called for in this resolution to be since October first, 1919.

Which resolution, on a suspension of the rules and on motion of Mr. Prestwood, was adopted.

Mr. Prestwood offered the following joint resolution:

SENATE JOINT RESOLUTION NO. 9.

Whereas, the Muscle Shoals enterprise and its development for the benefit of the agricultural interest of this nation being of profound importance, and

Whereas, it being known that Mr. Henry Ford has made to the government of the United States of America a proposal for the development, leasing and control of said enterprise, and

Whereas, it being known that Mr. Ford's organization is financially able to develop said industry and the marked efficiency of his organization is almost a matter of common knowledge, and

Whereas, the agricultural interests of the country have confidence in the proposal of Mr. Ford to manufacture their needed fertilizers at a much lower cost to them than they have been able to obtain heretofore,

Therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that the Congress of the United States of America is hereby petitioned and memorialized to adopt such measures and enact such laws as will cause the favorable acceptance by the government of the United States of Mr. Ford's proposal; and that a copy of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the Congress of the United States, and to each Senator of Congress from the State of Alabama.

Which resolution, under a suspension of the rules and on motion of Mr. Prestwood, was adopted.

Mr. McDowell offered the following resolution:

S. R. 10. Be it resolved by the Senate, that the Doorkeeper be instructed to secure for the use of the Senate for the session a copy of the Code of 1907 and the Acts of the Legislatures of 1919-1920 for each Senator.

Which resolution, on a suspension of the rules and on motion of Mr. McDowell, was adopted.

RECESS.

On motion of Mr. Acker the Senate at 1 P. M. recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate reassembled at 3 P. M., with Lieutenant Governor Miller presiding.

On a call of the roll by the Secretary, 28 Senators answered to their names, a quorum of the Senate.

GOVERNOR'S MESSAGE.

To the Legislature of Alabama:

Gentlemen: It was only after the most careful consideration, with due regard to public opinion as I interpret it, that I reached the conclusion that the best welfare of our State demanded that you be called together in extraordinary session. The importance of the principal matters designated in the proclamation calling the session will be recognized as full justifi-

cation for the expense incurred by the State and the sacrifices and inconveniences to which you are subjected.

FIRST—ROAD IMPROVEMENT.

The immediate occasion for the session, and the first subject embraced in the call, is the emergency created by the decision of the supreme court of the State holding that the election on the question of the ratification of an amendment to the Constitution, held on February 16, 1920, was not provided for in the manner prescribed by the Constitution and was therefore void and of no effect. The result of that decision was to leave the State without means for raising sufficient money with which to match funds appropriated by the United States government for the building and maintenance of highways in the State of Alabama.

Argument addressed to you on the subject of better highways would be superfluous, and hence I recommend without further comment that you again submit to the qualified electors of the State an amendment to the Constitution providing for the issuance of bonds not to exceed the sum of \$25,000,000, bearing interest at the rate of not exceeding six per centum per annum and providing further that it shall be the duty of the Legislature to levy and collect a license tax on all automobiles, trucks and other motor driven vehicles sufficient in amount for the payment of said bonds, principal and interest, and providing further that adequate provision be made for the proper maintenance of all roads, highways and bridges constructed with the funds derived in whole or in part from the proceeds of said bonds.

Appended hereto for your information is a report of the State Highway engineer showing the operations of the highway department and the present status of the work, finished, under construction and projected. I earnestly urge that special attention be given to the matter of providing for the repair and maintenance of roads after they are built. That is the weak spot in all systems of road building which have been tried heretofore in Alabama. Money expended for the building of roads is wasted unless adequate provision is made for their upkeep.

SECOND—POLL TAX AMENDMENT.

On practically the same grounds as in the case of the bond amendment election the supreme court held the election on the ex-service men's poll tax amendment to be invalid, with the result that all soldiers, sailors and marines embraced in the proposed poll tax exemption amendment are disqualified as voters or office holders unless all of their poll taxes have been paid. To make effective your expressed wish in the matter it will be necessary for you to submit another amendment to a vote of the qualified electors of the State.

THIRD—PORT AMENDMENT.

At your 1919 session an amendment to the State Constitution was proposed as follows:

"Section 93. That section 93 of the Constitution of the State of Alabama as amended in 1908 be and the same is hereby amended so as to read as follows: Section 93. The State shall not engage in works of internal improvement nor lend money or its credit in aid of such, nor shall the State be interested in any private or corporate enterprises or lend money or its credit to any individual, association, or corporation, provided that the State may under appropriate laws cause the net proceeds from the convict fund to be applied to the construction, repair and maintenance of public roads in the State, and the legislature may also make additional appropriations for that purpose; and provided further, that the foregoing

prohibitions shall not apply to the promotion, development or operation of harbors or seaports within the State or its jurisdiction provided, further, that any such work or improvement shall always be and remain under the management and control of the State through its State harbor commission or other governing agency and provided further that the adoption of this amendment shall not affect any other amendment to the constitution which may be adopted pursuant to any resolution of this session of the Legislature."

The people refused to ratify the proposed amendment for the reason, in my judgment, that its real purpose was not understood and the benefits to accrue from it were not fully realized by them.

There seems to have been an impression abroad that the port amendment was a measure designed for the particular and sole benefit of the city of Mobile. That such view is entirely erroneous is clearly shown in the following article prepared by Dr. Erwin Craighead at my request:

"Alabama would be an interior State but for the fact that when its boundary was defined, the State was allowed a tongue of land reaching down to the sea. In this same way Mississippi touches upon the Gulf, and Pennsylvania, Indiana and Illinois obtain outlet upon the Great Lakes. Where states could not be brought into direct connection with the ocean, care was taken to border them upon the great rivers so that communication might be had with the sea. Manifestly the makers of our Union had a very decided purpose to portion out equally all the facilities of the waterways; and equally clear is it that they were fully alive to the importance of the waterways and the harbors in the promotion of the growth and prosperity of the Union as a whole.

"In this wise partitioning of territory and forming of states, Alabama was given not only a considerable frontage on the sea, but also that particular part of the shore which embraced that great body of water known as the Bay of Mobile, into which empty the waters of one of the most important river systems of the United States.

"Looking at the map and noting the significance of this piece of land reaching down to the sea, and the remarkable appositeness of the rivers and the bay, that appear designed by nature as if to be used as highways and a great trade terminal by man, it is quite impossible to ascribe to the water system, including the seaport, a local character. Unquestionably this natural contribution to the facility for carrying on trade and commerce belongs to all the people of the country and particularly to the people of Alabama, its territorial owners and guardians.

"The Federal government has generously recognized what may be called the general ownership and has greatly met the obligations resting upon it, for it has improved the harbor at Mobile until great steamships now do business in that port, and it has improved the Tombigbee and Warrior rivers until there is all-the-year-round navigation where, in the past, the navigation was interrupted for long periods in the drought season. Moreover, the Federal government has spent large amounts of money and has inaugurated an improved barging service for the purpose of demonstrating that the waterways can be used to advantage in the transportation of Alabama products to foreign lands and in receiving in turn goods, both foreign and domestic, via the port of Mobile, the same to be barged up the rivers in self-propelling barges and distributed to Alabama and the neighboring states of Tennessee and Georgia and even beyond.

"The benefit to the State of the development of the port of Mobile is directly felt by every citizen, every line of business and industry. In the first place, the existence of proper facilities at Mobile gives to this port importance in world commerce. One of the first results of port success is the general reduction of rail rates between that port and points inland. To develop the port of Mobile is therefore to insure the permanence of Alabama's rate benefits. A saving of twenty to forty per cent. or more,

on transportation costs means that Alabama products obtain a wonderful advantage in world markets in competition with goods elsewhere.

"The port is the proper crown of the waterways. The Warrior without a terminal port would at once lose its usefulness. The port means joint rail and water rates that affect inland territory and shipping points far from the waterway. These rates are a direct and important saving to the citizens. Port terminals mean prompt and inexpensive handling of cargoes—another saving.

"A first class port means a wider market for Alabama products for to such a port vessels come from all over the world bringing and seeking cargo. Thus the ports of the whole world receive the products of this State.

"A port situated as is Mobile lies in the pathway of incoming raw materials for the reduction of which factories are needed and industries will come into existence. For industries already in operation the port insures cheap importation of materials that are not produced within the State.

"Port advantages will give the State commercial independence of rival trade territory. For example, if Alabama had to depend upon New Orleans, as a port, distance would operate against this State, for the reason that goods produced nearer the shipping point would naturally receive preferred treatment and have the advantage of lower cost to seaboard.

"The equipment of the port insures the continuation of federal appropriation for harbor and channel and for the Warrior. It is doubtful if the Warrior could justify itself without the development of the port of Mobile. The installation of proper shipping and transshipping facilities at Mobile is needed to attract outside industries to Alabama in order that they may enjoy the advantages offered.

"A first class port for Alabama means the relief of congested railroads, through the bringing about of shorter hauls on the principle of sending goods to seaboard by the shortest route.

"Railroads favor certain ports as against others. This favor is based on private and not public advantage, and the result is that goods are given the long haul while regions near the gulf seaboard are deprived of their advantage of location by a process of stunting the development of the less favored ports. If Mobile is properly equipped to take care of any amount of business that may be offered, and especially to give vessels that dispatch that they expect and that should be given by a first class seaport, her position, supported by the rich resources of Alabama and the great waterway system, would be commanding. The port could no longer be ignored by the great transportation companies.

"All this benefit can be obtained without cost to the taxpayers who authorize the expenditure, for the history of other ports, notably that of New Orleans, shows that port facilities are self-supporting and in time retire their bonds out of their surplus revenues. The immense expenditures authorized by the State of Louisiana at the port of New Orleans and amounting to millions of dollars have not cost the taxpayer of that state one cent in public funds. For proof of this the following from a letter to Hon. John Craft of Mobile, under date of July 16, 1921, written by T. S. McChesney, treasurer and assistant secretary of the port commission of New Orleans, can be quoted:

"It has been a source of pride to note the wonderful growth the Port of New Orleans has made under public ownership, and particularly the patronage given the public wharves, as you will note by referring to tonnage statistics shown in the annual report. It is also a source of pride that not one cent of taxation has been paid by the citizens of the state of Louisiana or of the city of New Orleans for the development and maintenance of its harbor facilities on the river front."

I most earnestly recommend a re-submission of the amendment to a vote of the qualified voters of the State.

FOURTH—SUNDAY LAWS AND MOTION PICTURES.

A vast majority of the people of Alabama believes in a proper observance of the Christian Sabbath. That majority does not believe in what is known as "blue laws" or such rigid provisions as would deny to them the right to a reasonable and proper exercise of personal freedom and participation in innocent and harmless amusements which do not interfere with the peace and quiet of others not so engaged. Nor do they believe in laws which interfere with their privilege to secure on Sunday means of transportation, newspapers and such articles of necessity as cannot be conveniently procured on week days for use on Sundays. Such laws partake of the nature of the so-called "blue laws."

The present laws of Alabama are reasonable and liberal in the main and afford protection against desecration of Sunday, with a few exceptions, but there are some injustices and unfair discriminations in the laws which should be corrected. For example, it is manifestly discriminatory and unjust to allow a druggist to dispense the wares of a soda fountain or a cigar stand and deny a like privilege to the keeper of a soft drink or cigar stand who pays exactly the same privilege license as the druggist pays. If the law prohibits Sunday baseball or Sunday moving pictures in one city it should prohibit them in all cities. Sunday baseball is demoralizing and often a public nuisance and such a large percentage of moving pictures are immoral and degrading and unfit for showing even on week days that it would certainly be in the interest of good morals to prohibit them on the Sabbath day. My opinion is that all stores and shops should be closed on Sunday, except for the sale of necessities such as ice, milk, drugs and medicines, and that bona fide restaurants and cafes should be permitted to serve only meals. I believe further that motion pictures, baseball, football and other games should be forbidden on Sunday where admission fees are charged, and that the governing bodies of all incorporated cities and towns in the State should be required to provide means for inspection and approval or rejection of all motion pictures before they are permitted to be shown publicly, with suitable penalties for failure to make such provisions and for their violation.

While giving expression to my personal views, I realize that these moral and semi-religious questions are matters which can perhaps best be settled by the exercise of the individual legislative conscience and hence I do not urge my personal views but rely upon the sound discretion and wisdom of your honorable body.

FIFTH—CEREAL BEVERAGES.

Alabama is the only State in the Union where non-alcoholic cereal beverages are not legally sold. These cereal beverages are the only class of soft drinks prohibited by our law. All de-alcoholized wines and grape juices, containing a higher trace of alcohol than this class of prohibited drinks, are sold legally in the State, so why should not this class of drinks—non-alcoholic, non-intoxicating, harmless as goats' milk—be sold under the sanction of the law?

For the purpose of securing an answer to that question and in order to secure arguments pro and con, I requested Dr. W. B. Crumpton, President of the Anti-Saloon League of Alabama, and Mr. Victor H. Hanson, of the Birmingham News, to submit briefs for and against the traffic in these drinks.

Because of the fact that Dr. Crumpton did not respond with a clear cut argument or brief such as was requested and answered in a sort of

controversial manner, I deem it but fair and proper to quote the entire correspondence.

The charge that anybody's pledge is being violated is absurd. The claim that any candidate for governor, for state senator or for representative pledged himself to oppose the sale of mineral water or buttermilk or soda water or any other non-alcoholic and non-intoxicating drink is ridiculous and preposterous and untrue on its face. The question had not been raised and perhaps had not been thought of during the campaign of 1918.

The principal objection raised by the opponents of these soft drinks is that they are manufactured by people who formerly made beer and that they cannot be trusted. This boycott against men engaged in a legitimate and harmless occupation simply because they were formerly engaged in the business of making beer does not appeal to my sense of justice. It indicates a spirit of prejudice and vindictiveness that is unjust and not at all creditable to those who hold and harbor it. For example, Mr. Brooks Lawrence, Superintendent of the Anti-Saloon League of Alabama, told me in 1919 that he had no objection to these cereal beverages and that in a year or two when the brewers have become duly penitent and assume the proper attitude on their knees, or words to that effect, he would not object to their sale in Alabama.

The brief of Mr. Hanson speaks for itself.

CORRESPONDENCE WITH DR. CRUMPTON.

July 16, 1921.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

My dear Doctor: Will you kindly prepare, or have prepared for me, at your convenience, a brief or argument against the licensing or permitting the sale of cereal non-alcoholic beverages in the State? If you will do so I will be very much obliged.

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

(Not Dated)

To Governor Thos. E. Kilby,

Dear Governor: In response to your request that I prepare "a brief or argument against the licensing, or permitting the sale of cereal, non-intoxicating beverages in the State," I reply:

I prefer the term Near-Beer to the word "Non-intoxicating" and will so discuss the question. To license such a beverage, our Alabama laws would have to be amended. This would be in violation of a pledge in 1918 by yourself and most of the Legislature, by which you secured the support of the Alabama Anti-Saloon League and the prohibitionists of Alabama, that no law would be passed that would change present prohibition laws.

This is all the argument I care to make at this time.

With all good wishes for you personally and the great State over which you are the chief magistrate, I am

Yours very truly,

(Signed) W. B. Crumpton.

July 21, 1921.

Dr. W. B. Crumpton,
Montgomery, Ala.

My dear Doctor: Your letter, not dated, in reply to my letter of July 16th, is received.

I suppose it makes little difference what we call the soft drink in question. "A rose by another name would smell as sweet," and I suppose an intoxicating drink would make a man drunk whether called by one name or another, and that a non-intoxicating drink would not make a man drunk even though it were called near-beer.

You state that to license such a beverage would be in violation of a pledge made by me and most of the Legislature in 1918, by which we secured the support of the Alabama Anti-Saloon League and the Prohibitionists of Alabama, that no law would be passed that would change the present prohibition laws.

If by present prohibition laws you mean the laws at present existing, I would say that it would be very queer for a person in 1918 to pledge himself not to change a law to be subsequently enacted. How could I and any part of the Legislature in 1918 pledge ourselves not to change a law which was to be enacted a year or so later, in 1919? How could such a pledge be intelligently made, the pledger not knowing the character of the laws which might be passed subsequent to the making of his pledge?

If you mean by present prohibition laws those in effect at the time the alleged pledge was made in 1918, then I ask what could have been the purpose of making a pledge of that kind.

As a matter of fact the prohibition laws in effect in 1918 were not satisfactory either to you, to myself or to most of the members of the Legislature. Witness the fact that the first thing the Legislature did after convening in 1919 was to adopt a new prohibition law. So, therefore, I do not see how you could claim that a pledge was made not to change either the one or the other.

Speaking for myself, I say most emphatically that I made no pledge of the sort to you or to any other man, to any woman, child, or even to myself.

Of course I cannot speak for "most of the Legislature" except to refer to what the body did itself by solemn enactment.

Perhaps you are referring to a pledge I made during my candidacy in 1918, which was not a pledge not to change the law but rather a pledge to change the law, making it stronger.

You state that by making the pledge I secured the support of the Anti-Saloon League and the prohibitionists of Alabama. I beg to differ with you in that respect. The Anti-Saloon League did not endorse my candidacy. A committee known as the Headquarters Committee, by a majority vote endorsed my candidacy, but some of the members refused to sign with the majority. That could hardly be called an endorsement of the Anti-Saloon League. Some of the members were loyal, enthusiastic and sincere friends and I do not wish to reflect to the slightest degree upon their part in my campaign.

Now to the real question: The brief or argument against permitting the sale of what you call "near beer" in Alabama. I wrote you as the leading prohibitionist in the State and as the head of the organization championing the cause in the hope that you would send me the very strongest possible argument in support of your contention that it would be harmful to the cause of temperance, to prohibition and to the prohibition laws to permit the sale of these drinks. Your short statement containing a mere assertion does not meet my expectation in the matter. I really want a strong document, absolutely convincing, if possible.

I believe in the prohibition law and I believe in it strongly and I do not want to do anything to injure it. I believe the permitting of the sale of cereal beverages or near beer would tend to the better enforcement of the law and it was for the purpose of having the very best argument against my belief for the benefit of prohibition itself that I asked for such a document. You say that what you have written is all the argument

you care to make at this time. Another time may be too late for the purpose for which I desired to use the argument.

With kind personal regards, I am,

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

Montgomery, Ala., July 26, 1921.

Gov. Thos. E. Kilby,
State Capitol, City.

Dear Governor: I have been away a few days and find your letter of 21st on my return. My statement that you and a majority of the members of the Legislature received the endorsement and support of the Anti-Saloon League and prohibitionists, on your promise not to interfere with the prohibition laws, thanks to your suggestion, I will amend by adding: "unless to make them stronger." This the Legislature did and you endorsed it. The strongest sentence of that law was to forbid the manufacture or sale of any drink "that looked like, smelled like or tasted like beer." This sentence will have to be stricken out, if a bill is carried through the extra session permitting the licensing the sale of near beer.

You well know the grounds of my objection. I have no confidence in the brewery people who are behind this movement. Knowing them as you do, I am greatly surprised that you should favor anything they want.

"Non-intoxicating" is to be the pledge. At the soft drink stands, if they have this on hand, the real stuff will be near at hand too and will be dished out to the initiated. But suppose there is none of the real beer on hand. A glass of the near beer with a spoonful of "white lightning" will be the real beer with all the kick the most thirsty will need.

You claim the law you advocate will aid in law enforcement. Of course, if one can get a glass of beer for five or ten cents, he will not want to pay twenty-five or fifty cents for a drink from a bootlegger. While you interfere with the boot-legger business, you are violating the prohibition law by serving beer. You suppress the trade in secret and let the prohibition law be broken openly under cover of serving a non-intoxicating drink. We may fail in our opposition, but we pledge our best endeavor to hold what we have. If you succeed, upon our prohibition governor will rest the responsibility of breaking down our law and dividing our prohibition forces.

With personal regards for you and an earnest desire to serve the best interests of the State, I am

Yours very truly,

(Signed) W. B. Crumpton.

July 27, 1921.

Dr. W. B. Crumpton,
Montgomery, Alabama.

Dear Doctor Crumpton: Your letter of July 26th is received.

I take the statement therein as the argument of yourself and the Anti-Saloon League against permitting the sale of near beer in the State.

If anything occurs to you before I make use of the letter which you wish to add to what you have already said, I will be very glad to have you send it to me.

With kind regards, I am

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

Montgomery, Ala., August 2, 1921.

Governor Thos. E. Kilby:

Dear Governor: I have just returned to the city and have read yours of the 27th. I do not recall a sentence in my letters which indicated I was expressing the views of the Anti-Saloon League. On July 16th you wrote asking me to give you my best arguments against the licensing and sale of near beer, etc.

I candidly gave you one argument.

I have no idea what use you intend to make of my letters; but you will certainly be treating the league unfairly if you publish them as having endorsed with me the one argument—I wrote for myself without conference with the league. I felt that I should say this to you before the matter went any further.

Yours truly,

(Signed) W. B. Crumpton.

August 5, 1921.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

Dear Doctor: Your letter of August 3rd is received.

By referring to my letter of July 16th you will note that it was addressed to you officially as president of the Anti-Saloon League of Alabama. My second communication on the same subject should have been addressed officially also.

It was my purpose and hope to secure from you, as leader of prohibition in Alabama, a brief or argument against the disposition of cereal beverages as strong as such paper could be written, either prepared by you, by some one else selected by you, or by a committee of the Anti-Saloon League. It is not too late now, so I ask you, as president of the Anti-Saloon League of Alabama, to furnish me with reasons why the league opposes the manufacture, sale or other disposition of non-alcoholic cereal drinks in the State.

I think I have made it clear to you that I want the very strongest and most convincing argument against the proposal to allow the use of these drinks that can be produced, and I trust that you will send it to me with as little delay as possible.

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

BRIEF OF VICTOR H. HANSON.

A BRIEF.

Favoring the Enactment of a Cereal Beverage Law by the Alabama Legislature.

"The National Prohibition Enforcement Law, more popularly known as the Volstead Act, declares that the phrase "Intoxicating Liquor" shall not extend to de-alcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced if it contains less than one-half of one percentum of alcohol by volume and is made as prescribed in section 37 of this title and is otherwise denominated as beer, ale or porter and is contained and sold in or from such sealed and labeled bottles, casks or containers as the commissioner may by regulation prescribe.

(See Title 11, Section 1.)

The law specifically authorizes the manufacture of cereal beverages either by the de-alcoholization process or by the arrested fermentation process. Under this act they shall not contain as much as one-half of one per cent. of alcohol by volume and are therefore declared to be non-intoxicating beverages and classified as soft drinks.

Almost every state in the Union has passed prohibition enforcement laws conforming to and in most instances containing the exact language of the national law.

The law authorizes the establishment of de-alcoholization plants and provides that every manufacturer who establishes such plants shall be placed under heavy bond to the government for the faithful compliance with the law.

Cereal beverages are manufactured under strict government supervision and manufacturers are required to keep a daily record and summary of each month's transactions, showing the quantity of materials used and the amount of beverages produced.

The manufacture, transportation and sale of cereal beverages made in conformity to the Volstead Act are surrounded, bound and restricted by elaborate government rules and regulations.

The fears of some that beer might be transported into the State of Alabama through the permission granted for the sale of cereal beverages is unfounded and impossible of performance.

The Volstead Act makes it unlawful for any consignee to accept or receive any package containing liquor upon which appears a statement known to him to be false, or for any carrier or person to consign, ship, transport or deliver any such package knowing such statement to be false. This act also provides that no transportation company or common carrier may lawfully transport intoxicating liquor without first obtaining a permit from the government. The transportation provisions of the act are so stringent that it would be impossible to ship beer into the State under the guise of cereal beverages. Beer is never boot-legged on account of the fact that it is too bulky.

It is popular knowledge that the original draft of the Volstead Act was written under the guidance of the legal representative of the National Anti-Saloon League, and all amendments thereto adopted by congress were first closely scrutinized by the legislative representatives of the league. The fact that de-alcoholized beverages were authorized by this act ought to be conclusive proof to the officials and Legislature of Alabama that the National Anti-Saloon League and the superintendents of the several state leagues were not opposed to the manufacture and sale of cereal beverages.

The superintendents of the Anti-Saloon League in some states have co-operated with the representatives of cereal beverage manufacturers to promote legislation for the protection of this industry, holding that the cereal beverage business is an actual and positive aid to the enforcement of the national and state prohibitory laws.

The National Prohibition Act also specifically authorizes the de-alcoholization of wine. Such de-alcoholized wines are sold throughout the State of Alabama without any effort being made by the Anti-Saloon League of this State to prevent it.

The Alabama Anti-Saloon League has directed its efforts to prevent merely the sale of cereal beverages, which are de-alcoholized by practically the same process as the de-alcoholized wines that are sold in this State.

The sale of grape juice and de-alcoholized wines is legal in Alabama. They contain as much alcohol as cereal beverages. Grape juice and de-alcoholized wines are the fruit of the vine. Cereal beverages are the juice of the grain. What logical reason, therefore, can be assigned to the discrimination against the juice of the grain and the favoritism shown to the juice of the grape? Grape juice by manipulation can be made the

base of wine. Cereal beverages, de-alcoholized and pasteurized, are not self alcoholic increasing and therefore remain non-intoxicating because there is no known process by which cereal beverages can be made into alcoholic beer.

Alabama is the only state in the Union which has a law prohibiting the use of cereal beverages. These beverages are sold in every other state with the full approval of state and local authorities.

Cereal beverages by analysis contain from nothing or an infinitesimal percentage of alcohol to 0.45 of one per cent. The popular and well known brands of grape juice analyze from 0.10 to 0.50 of one per cent. Sarsaparilla 0.05 to 0.10 of one per cent. alcohol. Cream soda 0.10 of one per cent. or more. Fountain syrups, undiluted, 2 to 3 per cent. alcohol. Other patented and secret formula soft drinks range from 0.05 to 0.25 of one per cent. Cola drinks .10 to .25 of one per cent. alcohol.

From the standpoint of alcohol, which is found in practically all soft drinks, cereal beverages and beverages of different character are in the same soft drink classification.

Relative to the term "near beer" it may be said that the use of the word "beer" is specifically prohibited by the Volstead Act. It cannot be used legally in the sale of any lawful product. The beverages are officially classified as cereal beverages. The term "near-beer" has simply grown into popular use without sanction of laws and is therefore a misnomer.

Cereal beverages are manufactured from high grade cereals and flavored with hops, and the term "cereal beverage" clearly and accurately defines them.

The use of cereal beverages tends to curtail bootlegging, home-brewing, moonshining, and the consumption of dangerous and sometimes poisonous alcoholic concoctions.

The attitude of the leading brewers of the United States is clearly set forth in an address delivered before the judiciary committee of the House of Representatives in Washington on May 12th by Oliver T. Remmers, attorney for Anheuser-Busch, Saint Louis. Mr. Remmers, speaking for his client, opposed the manufacture of beer for medicinal purposes on the ground that it would make it impossible to enforce the prohibitory laws. He also demanded the strictest possible enforcement of the prohibitory laws, stating that his firm and other former leading breweries, while opposed to the principle of prohibition itself, stood for and favored the rigid enforcement of the National Volstead Act. He also requested congress to make an investigation of the method of enforcing the present prohibitory laws for the purpose of devising means to prevent their violation.

The Anti-Saloon League of Alabama is the only branch of the National Anti-Saloon League which is out of harmony with both the National Anti-Saloon League and the several State Anti-Saloon Leagues in their effort to encourage the manufacture and use of cereal beverages. They realize that the former brewing plants and their thousands of employees should be kept in operation, if possible, particularly during the transformation period in which these plants are being changed over to plants for the manufacture of other products. More than two-thirds of the former brewing plants are now entirely out of business and their thousands of former employees in many instances have been added to the army of unemployed and are walking the streets of the different cities seeking employment by which to earn a living.

Cereal beverages are universally recognized as healthful products, being manufactured in sanitary plants from the purest ingredients the manufacturers can buy. The highest degree of care and sanitation is used in the manufacture of cereal beverages, and the concentrated strength of America's cereals is contained in the beverages from which the consumer receives the benefit. These beverages contain no objectionable or harmful

ingredients. The use of a cereal beverage is often recommended to promote the public health.

I respectfully submit that there is no sound reason why Alabama should be the only State in the Union to prohibit the sale of cereal beverages. Such a law would not tend to weaken the prohibition laws; it would be an aid to law enforcement, and would contribute to the public health and comfort of the people. Such a law would inevitably produce considerable revenues to the State."

It is now and always will be impossible to secure convictions for the sale of a harmless drink. Juries will simply not convict. And so it has been found impossible to enforce the law against non-intoxicating drinks with the consequence it is a dead letter. The following letters from former Chief Law Enforcement Officer C. W. Austin, a man of long experience in law enforcement, show the impossibility of enforcing the law and contain valuable suggestions for restrictions and safe guards. I do not share his views as to the revenue to be derived from the business. That should not be a factor. We should not license or refuse to license any drink because of the revenue to be gotten from it. The proposition should stand or fall on its own merits. The letters of Mr. Austin follow:

Montgomery, Alabama, September 14, 1920.

Hon. Thos. E. Kilby,
Governor, Capitol.

Dear Sir: Referring to our conversation of the 13th instant, I wish to say that it is almost impossible to get convictions for the sale of non-intoxicant drinks. In some places it is an impossibility to get warrants for violations of this character. I also find that at all government plants near-beer is being dispensed.

In former days, before the Volstead Act went into effect and breweries were permitted to run, beer was shipped in labeled as near-beer. Since the breweries have been put out of commission, there is absolutely no danger of anything of this kind.

Taking everything into consideration from a law enforcement standpoint, I believe it would be the proper thing to pass a law permitting the sale of non-intoxicating near-beers and give the State the benefit of the license for the sale of same. I think, too, that there should be certain restrictions, in case any one who was permitted to sell this near-beer should abuse the privilege, that a severe penalty should be attached.

Hoping the above will meet with your approval, I am,

Respectfully,

(Signed) C. W. Austin,
Chief Law Enforcement Agt.

Montgomery, Ala., July 9th, 1921.

Governor Thos. E. Kilby,
Capitol.

Dear Sir: Mr. Champion called me over 'phone after leaving his office this afternoon and spoke of conversation he had with you relative to the near beer proposition, in which he referred to my attitude on this matter.

I wish to say, governor, that I wrote you a letter dated September 14, 1920, explaining my attitude. I came to this conclusion after making a very strenuous effort to enforce the law relative to near beers, and found it almost an impossibility to do so. I felt like then, and at the present time, that this being the case, these drinks dispensed without paying one cent revenue to city, county or State, that if the law could not be enforced, I thought it better that a law should be passed with

certain restrictions, and that the State should be deriving some revenue from same. Not that I favor near beer, neither do I favor the cola drinks—they are all injurious.

In discussing this matter with Mr. Champion, I believe I have spoken of the danger of road house, near beer stands over the State, which would be nothing more nor less than blind tigers and dens of crime. Now, one of the restrictions I had in mind when writing you was, that in case such a law should be passed allowing the sale of near beer, that it should be allowed sold only in restricted districts, towns or cities where there was ample police protection.

I hope I have made myself clear to you on this matter, and I think after talking with Mr. Champion over 'phone, that he now understands my position better.

Very truly yours,

(Signed) C. W. Austin,
Chief Law Enforcement Officer.

SIXTH—TRAINING SCHOOL FOR GIRLS.

You have heretofore authorized the removal of the Training School for Girls and appropriated \$50,000 for the purchase of a site and the erection of buildings. Twenty acres of land in Birmingham have been purchased and plans for building have been prepared. An additional \$50,000 will be required if adequate buildings and equipment are to be furnished for the proper care of the unfortunate young girls committed to the institution. Money cannot be spent for a better purpose or with the expectation of better returns than for the reformation and reclamation of the girls who, through lack of wholesome home influences, have stepped from the path of rectitude and are just starting on the high road to ruin and shame. I trust the bill for this worthy purpose may meet with your unanimous support.

SEVENTH—FERTILIZER TAGS.

There are left on hand fertilizer tags which cannot be used unless special authority is given by your honorable body. Such authority would work a saving of approximately \$5,000 to the State.

EIGHTH—UNINCORPORATED ASSOCIATIONS.

Under the decisions of our courts a suit cannot be maintained against an unincorporated association, but such suit must at law proceed against all the members composing the association, however numerous they may be. In the case of large associations it is manifestly impossible to maintain a suit naming all of the members as party defendants, and as such suit on objection of any defendant must name all defendants it therefore follows that such organizations are free to contract without being held liable to their contracts and may with impunity violate laws by concerted action of their members without any personal or collective responsibility. The necessity for such a law is shown by a recent decision of the supreme court in the case of Green vs. The Brotherhood of Locomotive Engineers. A jury in that case held that Mr. Green was entitled to substantial damages, but because the brotherhood could not be sued as an organization, being unincorporated, he will not be able to reap the benefits of his verdict.

In the recent trouble in the coal mining district the United Mine Workers of America violated with impunity contracts they had made and by acts of violence destroyed property. Although the organization boasts of its wealth, the contracting parties and the parties whose property has been destroyed have no recourse because it is impracticable to bring suit against the hundreds of thousands of members of the organization.

No sound reason can be shown why an organization, whether composed of laborers or employers, of individuals or corporations, should not be suable just as individuals are suable and, therefore, I recommend the passage of a bill providing that suits may be instituted against unincorporated associations and societies.

NINTH—UNIVERSITY COAL LANDS AND CONVICT LEASES.

At your 1919 session you enacted a law authorizing the governor to investigate the feasibility of developing coal lands belonging to the University of Alabama and appropriating the sum of \$250,000 for development purposes. After making a careful inquiry into the subject I arrived at the conclusion that the proposed development was not practicable at this time. The act further provided that on and after January 1, 1923, it shall be unlawful for any person to lease for hire any State or county convict to any person, firm or corporation.

Not only has it been found impracticable to develop the university coal lands, but a satisfactory substitute for the lease system now in effect has not been found. The present leases do not expire until December 31, 1922. In view of the fact that the responsibility for the conduct of the convict department during the four years following that date will rest upon the next administration, I deem it but just, proper and expedient that that administration should make the plans and put into effect the regulations under which the department is to be conducted at least during its incumbency.

I, therefore, recommend that the law be amended so as to extend the time for making the change in the system to a date not earlier than December 31, 1924.

TENTH—WATER SUPPLIES.

The State health officer has advised me that the City of Talladega is without the supply of pure and wholesome water which is necessary to the health and well being of its citizenship and that the city is without funds sufficient to acquire it. I recommend that such steps be taken by you as may be deemed proper for the relief of Talladega and other cities so situated with regard to their supply of water. It is of particular importance that relief be given to Talladega because the State schools for the deaf, dumb and blind are located there.

ELEVENTH—ADVICE OF SUPREME COURT JUSTICES.

I commend to your favorable consideration the bill providing that the advice of the justices of the supreme court may be furnished to the governor and the Legislature concerning the constitutionality of bills proposed to be introduced in the Legislature and bills pending therein.

The economic and administrative value of this procedure is apparent at a glance. If it could have been followed even during the past few years it would have saved to the State a very large sum of money, to say nothing of the administrative confusion and demoralization attendant upon the nullification of the income tax law, the road bond amendment, and the soldiers' poll tax amendment.

* Within the past year a decision of the supreme court nullified some twenty-five or thirty legislative acts based upon illusory classifications by population involving counties or municipalities, and in many cases relating to the collection or disbursement of public funds, with serious results to those concerned.

Outside of these more striking instances, our supreme court reports present a long succession of legislative acts, both general and local, which have fallen under the judicial axe, and many of those which were of the

highest value in governmental finance or administration could have been rendered immune to every form of attack to which all statutes and acts are now systematically subjected by the astuteness of lawyers, by the simple and effective precaution herein suggested. Even where an act is in its substance violative of the organic law, it would be a valuable saving of time and labor to be advised of its infirmity in advance of its attempted operation.

This practice has been in force in Massachusetts and other New England states for a great many years, and seems to have fully vindicated its practical value, and freedom from valid objections.

It is to be observed of course that, under the Constitution of Alabama, the duty and labor of rendering the opinion herein proposed probably cannot be imposed upon the supreme court as a court, but must be imposed upon the justices of the court as a special tribunal of individuals. For the onerous extra-judicial duties thus imposed it seems proper that the moderate compensation suggested by the bill should be allowed to the justices, which, however, it is a mere bagatelle in comparison with the advantages, pecuniary and otherwise, accruing to the State, its municipalities, and the public at large.

The special advantage to be derived from the prompt passage of the bill to take effect immediately upon its approval is obvious.

TWELFTH—TO PROVIDE FOR SUBSTITUTION OF TAX RECORDS.

During last winter one of the blackest pages in Alabama history was written. The assessment of taxes for the fiscal year ending September 30, 1921, had been about completed to the satisfaction of practically all of the tax payers of the State, there being not a single appeal in a majority of the counties and but very few in any of them, when a general business depression set in. At such an auspicious time, when there should have been a call by every good citizen to stand true to his State, a number of unpatriotic persons started a campaign of agitation having for its avowed purpose a re-assessment of the tax values of property throughout the State. Some of these persons, prompted by the selfish desire to avoid paying their just part of the expense of the schools and other institutions of the State, were willing to place the State to the enormous expense such action would incur, hoping that the influence of the financial depression would enable them to secure a lower valuation than that from which many never even appealed as provided by law; others thinking that this appeal to prejudice would be popular have sought to build themselves political success by joining the movement, being willing to advance their selfish interests at the expense of the State and its institutions; others have innocently and unwittingly been made a part of a movement which in its ultimate result has borne the fruit of treason to the State, and created a partial state of anarchy in one county.

A systematic plan of propaganda was established for the undermining of confidence in the method of administering the tax law, a law which permits more appeals to the tax-payer than any law ever enacted in Alabama, thus seeking to destroy the taxing machinery. All sorts of misrepresentations and demagogic appeals to the prejudice and passions of the people have been resorted to, with the natural result that some good people were made to believe that grave injustices were intentionally done them in the matter of property assessment. One cannot contemplate the effort made to destroy the State in this particular without being reminded of the German propaganda promulgated during the war to weaken our faith in our country and to divide our allegiance to the fighting men, a crime which during the war was punishable by death.

In my opinion the logical result of this propaganda was found in Coffee county where thieves broke into the tax assessor's room in the courthouse

at Elba and stole the records of assessments. The fact that they took every book or document referring to the assessments would clearly indicate that the thieves were coached as to the legal effect of the documents and books or were men who had such information. Notwithstanding a wide belief among the best element of citizenship of the town and county that certain well-known men were either guilty of the theft or counseled it, and in spite of the extraordinary efforts on the part of State and county officials to bring the thieves to justice, the persons who committed this outrage and their advisers are still at large, evidencing how well the propaganda has borne fruit of anarchy in that section. The right thinking people of Coffee county owe to themselves and the State the duty of discovering, exposing and bringing to justice the traitors in their midst who have struck this cowardly blow at the vitals of their government and brought disgrace to the county and shame to all decent people of Alabama. In no other possible way can the foul blot be removed. In the meantime, outside instigators, aiders and abettors of the dastardly crime, whether with intention or otherwise, would appear to best advantage in seclusion.

At great labor and expense to the State and county the State tax commission has duplicated the records as far as possible by consent of many of the good people of that county. At this time, however, when every good citizen should advise the citizens of the county to assist in duplicating the records so that local school funds might be secured and their taxes paid, I am advised that some of those in Coffee county prominent in the movement heretofore mentioned, realizing that there was no provision of law for substituting such records, used all the influence and effort at their command to prevent people from co-operating in the establishment of these records and prevented many who were disposed to co-operate from so doing. Such reprehensible conduct has made it necessary that I request the passage of a bill providing for the duplication of these records, that the work might be expedited and be accomplished justly and fairly to all.

THIRTEENTH—BOYCOTTS, BLACKLISTING, ETC.

The recent coal strike in this State developed the fact that our civil and criminal statutes were inadequate to promptly and properly deal with the conditions which existed just prior to and after the strike was declared. It was then discovered that by reason of the inadequacy of the statutes of this State, relating to strikes, boycotts, blacklisting, etc., that the civil authorities were unable to prevent or even check many wrongful acts which inevitably led to the calling of the strike and to the perpetration of many heinous crimes which attended and followed the strike. Acts of violence and commission of more serious crimes against both person and property of citizens, the inability of the civil authorities to check or control such unlawful actions on the part of those connected or sympathizing with the strikers necessitated calling out the State militia to preserve peace and order in the coal mining districts of the State. While martial law was not absolutely declared, nor the civil law actually suspended, the condition of affairs was so critical and so serious that at times it appeared almost imperative that martial law should be declared in the coal mining districts of the State. The only justifiable cause for calling out the military forces of the State or nation is the inability of the civil authorities or inadequacy of the civil or criminal laws to so deal with the situation or condition as to secure peace and good order. If the statutes of the State had been adequate and the civil authorities had been able to promptly and properly deal with the conditions in the incipency of the labor trouble in the mining districts, much, if not all, of the great loss of life, property, and the incurring of enormous expenses of the State could have been avoided.

I, therefore, request that the statutes be amended and revised, so as to promptly and properly deal with such situation, if it should again occur.

With some few exceptions and limitations not necessary to here point out, the following I conceive to be well recognized, if not universal, maxims as to the inalienable rights of American citizens:

First. Every citizen has the inalienable right to work or not to work; to work for whomsoever he pleases, and at whatsoever price or on whatsoever terms he pleases, provided his employer agrees to his terms.

Second. Every citizen has the inalienable right to employ or refuse to employ whomsoever he pleases, and to employ them at whatsoever price or on whatsoever terms he pleases, provided his employes agree to his terms.

Third. No man has the right to say to another: "You shall work," or "You shall not work;" or that "You shall work for this man, but not for that one;" or that "You shall work at this price, but not at that price;" or that "You shall work upon these conditions, but shall not work upon those conditions."

That ancient maxim—"So use your own as not to injure another's property"—should apply to the right to labor as well as that of property, the mere fruits of labor. The statutes of this State in so far as they can be made to do so ought to expressly declare, preserve, and guarantee the above as well as the other inalienable rights of citizens of this State.

Such conditions as existed in the coal mining districts of this State, under the leadership of irresponsible foreign agitators, if not the result or product of socialism, certainly tend to encourage or promote socialism, which often results in anarchy. Socialism is the sower of the seeds, and anarchy is the reaper of treason against the government. A conspiracy to injure the public, or the practice of acts and the teachings of doctrines with the intent or purpose, or the natural or probable result of which is to injure the public, was a crime at common law, and ought to be so declared by statute, with appropriate penalties. A conspiracy to starve or freeze the public, or even an agreement to do acts, the natural and probable result of which is to cause great suffering or inconvenience to the public, is little less than treason against the government, when the government is like ours—nothing but the public or the people.

FOURTEENTH—DEPOSIT AND KEEPING OF COUNTY FUNDS.

I recommend to you for your consideration a bill to further provide for the depositing and safe-keeping of all funds and moneys of the counties in this State; to the end that the counties shall receive interest on such funds instead of individuals or private institutions. The county funds of some of the largest counties in the State under existing laws are so deposited as to deprive the counties and tax payers thereof of all interest which could and ought to accrue on account of the deposits of such county funds.

The legislation which I propose on this subject does not repeal or take the place of the existing statutes as to county depositaries, nor does it abolish the office of county treasurer in counties having a population of more than fifty thousand. The act proposed is intended to supplement, complement, and harmonize the existing laws upon the subject. It does not abolish or terminate any contract or agreement now existing for the custody or control of county funds in those counties in which the office of county treasurer has been abolished. The proposed act, however, does apply to those counties after the termination of the existing contracts as to the custody and control of the funds, and hereafter makes the county depositaries or other custodians of county funds liable and amenable to all actions, suits, or proceedings to which county treasurers are now liable. Its effect in this respect is to make all county depositaries or custodians

of county funds liable to the same proceedings and actions which are applicable to county treasurers, whether it be an ordinary action or suit, a summary proceeding, or extraordinary proceeding, such as mandamus, quo warranto, etc. In counties which have no county treasurers and depositaries take their places, the depositaries should be liable to all actions or proceedings to which county treasurers are liable. In counties which have county treasurers the counties should have the benefit of the interest on county deposits just as do counties which have no county treasurers.

FIFTEENTH—CONSERVATION OF SALT WATER SHRIMP.

The Legislature wisely enacted a measure for the protection of salt-water shrimp, which Act was approved September 2nd, 1919.

Under the vigorous administration of this statute by the department of conservation, the shrimp industry on the Alabama coast, and especially at Bayou La Batre, has grown tremendously, and the people engaged in catching and packing shrimp are enjoying an unprecedented era of prosperity.

Under the provisions of section 8 of the shrimp act, it was made unlawful to transport fresh shrimp by water to a point beyond the boundary line of the State of Alabama unless the usual market price paid by canneries and dealers for shrimp, in the place to which they were transported, was higher than the price paid for shrimp in this State. This section also provided that a tax of 20c per barrel should be paid on such shrimp.

Section 12 of the same act stipulated that no person who has not been a bona fide resident of the State for more than one year, next preceding, should be permitted to catch shrimp from the waters of this State, to be shipped without the State by water.

Prior to the enactment of the shrimp law, Mississippi shrimpers persisted in encroaching upon the waters of Alabama in such numbers as to reduce our own supply of shrimp and to deplete the species.

The enforcement of the provisions of the shrimp law caused a shrimp packer of Biloxi, Mississippi, to file a bill in the District Court of the United States at Montgomery, against the commissioner of conservation, averring that sections 8 and 12 of the act for the protection of shrimp were violative of the constitution of the United States; whereupon the court enjoined the commissioner of conservation from enforcing sections 8 and 12 of the shrimp law.

While the counsel for the State insist that the sections referred to are not in conflict with the Federal Constitution, yet the expense incident to appealing the case to the United States Supreme Court and the economic loss of shrimp to the people of Alabama, in the meanwhile, would be so great that, as a practical proposition, the alleged defects in the shrimp act can be more speedily and effectively remedied by the enactment of a measure, making it unlawful for any non-resident of the State to catch salt-water shrimp within the waters of Alabama, or to transport by any manner or means whatsoever fresh salt-water shrimp, within or without the State.

The foregoing recommendation, I am advised, will meet every constitutional objection which has been raised to the present shrimp act, and will conserve for the use and benefit of our own people a wonderful natural resource—an excellent food supply—which is not the property of individuals but which belongs to the people of Alabama.

SIXTEENTH—CHANGE OF VENUE.

Under the present statutes of this State there can be but one change of venue in a criminal case. As a rule this is all that is necessary to

assure a person charged with the commission of a felony a fair and impartial trial. If after the circuit judge makes an order of removal it is found that the county to which the removal is made is not free from objection and that a fair trial cannot be had no power is vested in any court to order a removal to a county free from objection. In such a case the circuit judge has but one alternative and that is to continue the case. Nothing tends more to break down the effective administration of our criminal laws than delayed trials. I, therefore, recommend that in such cases the supreme court be vested with the authority to order a change of venue and thereby remove this possible delay to trials.

SEVENTEENTH—PENALTY FOR FAILURE TO COMPLY WITH SECTION 7654.

Section 7654 of the Code of 1907 provides that when any defendant, on conviction, is sentenced to imprisonment in the penitentiary for the term of five years or more, it is the duty of the presiding judge to make a statement in writing, setting forth the name of the defendant, the term of the court at which he was tried, the offense of which he was convicted, the character of the evidence against him, the circumstances of aggravation or mitigation developed on the trial and the proof in reference to his previous character, which statement must be signed by the judge, and must, within thirty days thereafter, be transmitted by the clerk to the Governor, to be filed in the executive office.

The obvious purpose of this law is to furnish the governor and the board of pardons with information that is absolutely necessary to a proper consideration of many applications for paroles and pardons. It frequently occurs that judges and solicitors upon whom the board of pardons and the governor must necessarily rely for such information have died, or, if living, have forgotten the circumstances surrounding the conviction of felons. In such cases the reports provided for by the statute are invaluable.

Notwithstanding I have written to every circuit judge and every circuit court clerk in the State, calling attention to the statute and requesting compliance with it, only four or five have responded.

I, therefore, request that you amend the statute so as to provide a suitable penalty for failure to comply with its provisions.

CONCLUSION.

In conclusion, senators and representatives, allow me to again express my conviction that cordial relations and hearty co-operation between the legislative and executive departments of the government are essential to the best interests of the State. Let us subordinate all minor considerations to the public good and labor together for the welfare of the State and the people.

Respectfully,

Thos. E. Kilby,
Governor.

October 4, 1921.

REPORT OF STATE HIGHWAY ENGINEER

Montgomery, Ala., Sept. 30, 1921.

Honorable Thomas E. Kilby,
Governor of Alabama.

Sir: I have the honor to make this special report to you covering the operations of the State highway department from October 1, 1919 to date.

On September 30, 1919 the law under which this department functions was approved by you. This law repealed the old highway law and all other laws in conflict with it. Under the old highway law only an appropriation of \$154,000.00 was available for road building purposes and

this sum after deducting the expenses of the department, was distributed equally among the counties. With only this small sum available, about all the department could do was to demonstrate to the counties the best methods of constructing roads and bridges.

In 1916 Congress passed what is known as the Bankhead law, appropriating the sum of \$75,000,000.00 to be allotted to the states for road building purposes. This sum was apportioned to the various states in the ratio that the area, population and rural route mileage of the several states bore to the whole. Alabama's share of this first appropriation was \$1,572,229.69, conditioned upon the State appropriating a like sum, allotted over a period of five years as follows:

1917	\$104,148.90
1918	208,297.80
1919	313,456.47
1920	420,105.64
1921	526,220.88

with a provision that the allotment for a particular year would be available to the State for a period of two years, and that should a state fail to take the allotment as provided by law within that stipulated period it would revert back to the treasury and be redistributed to the 48 states. In other words if the 1917 allotment of \$104,148.90 made available July 1, 1917 was not taken before July 1st, 1919 it would be lost to the State of Alabama.

Not being permitted under the law to concentrate its state appropriation, but being required to distribute it equally among the counties, it immediately became necessary for the State highway commission to devise some means of preventing the loss of this large sum of money. This was accomplished by calling on the various counties to appropriate a given sum to match a like sum to be received from the government for the construction of a definite road or bridge project. On February 28th congress passed an act amending the original bill by increasing Federal aid \$200,000,000.00, Alabama's part being \$4,204,322.89, divided as follows:

1919	\$1,050,264.10
1920	1,575,396.16
1921	1,578,662.63

adding this sum to the original appropriation gave a total to the state of \$5,776,552.58.

In order to prevent the loss of Federal aid given for a stipulated two year period, it is necessary that every dollar allotted to that period be placed under what is called "project agreements." In order to enter into a project agreement with the government the following action is necessary. The State originates a project, that is a section of road or a bridge to be constructed. Such road or bridge must be a part of the road system required by State law and in accordance with government requirements. If the proposed project is approved by the Federal engineer, complete survey and plans must be made. When the plans have been approved by the United States bureau of public roads, the secretary of agriculture enters into an agreement with the State highway department, whereby there is set aside by the government 50% of the estimated cost of the project, the State appropriating a like amount. The government will not set aside one dollar for a project until such procedure is gone through with.

Until the passage of the present law this department did not have funds that could be used in making surveys and plans and it was necessary to call on the counties desiring Federal aid to bear that expense. The United States government bears no part of the expense of making prelimi-

nary surveys and plans, but does bear one-half of the cost of all engineering work necessary in the construction of a project.

REORGANIZATION OF DEPARTMENT.

Immediately after the appointment and organization of the new State highway commission, there was demand from every county in the State for the location and construction of a section of road. Although there were more Federal funds available than it seems possible for us to match, it was imperative if this fund was to be saved to the State, that surveys and plans be made rapidly so that project agreements might be executed before the expiration of the time limit allowed by law. Following the plans of practically all other states, the State highway commission authorized me to divide the State into four engineering districts, each district to be in charge of a district engineer with such additional engineering and clerical force as might be required. In dividing the State into districts and the selection of a headquarters city for each district, the main factor governing me was the proximity of the city to all sections of the district and the railroad connections with each county.

The engineering work in the districts in comparison with the amount of construction work begun, was of necessity heavy, for without such engineering work and the preparation of plans and the execution of agreements the State of Alabama would today be the loser of \$1,257,879.06 and occupy the unenviable place of being the only state in the Union to forfeit Federal aid.

STATUS OF STATE AND FEDERAL AID WORK, OCTOBER 1ST, 1919.

On October 1st, 1919, we had completed nine projects, a total of 66.81 miles of road at a cost of \$247,488.91 of which one-half was paid by the Federal government. On that date we had under construction 29 road projects and one bridge project with total road mileage of 171.26 miles. The bridge project was 1,288 feet of concrete bridge in Montgomery county. The total cost of these projects was \$1,907,891.45, of which the government paid \$927,036.11.

WORK ACCOMPLISHED FROM OCTOBER 1ST, 1919 TO OCTOBER 1ST, 1921.

Projects placed under construction since October 1st, 1919, 30, the total mileage of which is 301.35. In addition to this we have placed under construction two large river bridge projects and one small bridge project. Total estimated cost of all projects \$3,538,123.86. Thirty-seven road projects and two bridge projects, embracing 230.28 miles have been completed at a total cost of \$2,662,080.54. This leaves twenty-three projects under construction on this date involving 229.67 miles of road to cost \$2,554,806.51.

A summary of the above statements show that we have constructed and have under construction projects embracing 526.76 miles, at a cost of \$5,464,375.96 of which \$2,669,160.10 represents Federal aid.

We have under project agreement 17 projects embracing 202.53 miles of road estimated to cost \$2,950,052.82 of which \$1,475,039.87 is Federal aid. This gives Federal aid used and under agreement \$4,244,392.76 leaving a balance to be put under agreements of \$1,532,159.82.

FUTURE FEDERAL AID.

There is now pending in congress the Dowell bill, approved by thirty-five state highway departments, amending the Bankhead law, providing for continuation of Federal aid to the states to be confined to a system of roads in each state, the mileage of such system not to exceed 7% of the road

mileage of the state and for state maintenance of roads constructed with Federal aid.

This bill passed the House by an overwhelming majority, went to the senate and was referred to the senate committee on postoffices and post roads. This committee finally reported out a bill embodying practically all of the essential features of the Dowell bill except that it provided for a national highway commission of three members. The senate in passing the bill amended it by striking out the section providing for a commission. This left the bill with some minor amendments, substantially as it was when introduced. The appropriation of \$100,000,000.00 was embraced in a separate bill as a companion to the Dowell bill. The senate amended the Dowell bill by making the appropriation \$75,000,000.00 a year for two years, of which \$25,000,000.00 is to be available on the passage of the bill and the remaining \$50,000,000.00 six months thereafter. Like all other appropriations made by the government, the funds are made available on condition that the states appropriate equal amounts allotted to them. Alabama's portion of this allotment will be approximately \$3,142,450.00 of which \$523,743.00 will be available on the passage of the bill, \$1,047,486.00 six months thereafter and the remainder \$1,571,229.00 during the fiscal year beginning July 1st, 1922.

Federal aid to the states for road construction is undoubtedly a fixed policy of the government. The bureau of public roads, under the direction of the secretary of agriculture, is now one of the largest and most important branches of the government. Besides the large engineering and clerical force maintained in Washington there are thirteen division offices in the United States, one of these division offices being located in Montgomery. With now a well perfected organization, backed by an insistent demand that the government continue the policy of aiding in the construction of roads, there is hardly a chance that congress will refuse to make liberal appropriations from time to time to this cause.

PROPER ENGINEERING LOCATION AND SUPERVISION.

May I take this opportunity to stress the fact that without proper and careful location of our roads the State and government would lose thousands of dollars by the execution of unnecessary work. Often by the expenditure of from \$100.00 to \$200.00 more for engineering than apparently at first seemed necessary we save several thousand dollars. The apparent high engineering cost is observed and we are criticised for it, whereas the saving in actual cost of the road is unknown to the complaining person.

No large construction work is ever successfully completed without adequate and competent engineering supervision. With the expenditure of millions of dollars for roads we cannot afford to be parsimonious in the expenditure of money for engineering. I have only to call your attention to any large undertaking and especially would I direct your attention to North Carolina which recently voted \$50,000,000.00 in bonds for highway construction. Other highway departments that have attracted attention such as the highway department of California, have done so because of well constructed highways brought about because of sufficient funds expended under the direction of a well organized engineering force. Without proper engineering supervision we cannot secure Federal aid. We have our engineering organization which I am proud to say has met with the approval of the government. It is my desire to so encourage the men under me, that they will be at all times deeply interested in their work and have the welfare of the State at heart.

The following is a copy of a letter from Mr. A. E. Loder, United States District Engineer, bearing on this subject:

Mr. W. S. Keller,
State Highway Engineer,
Bell Building,
Montgomery, Alabama.

September 28, 1921.

Engineering Supervision.

Dear Sir: Because of the quantity and importance of Federal aid road projects under construction, I take this opportunity to call your attention to the necessity for close and thorough engineering inspection of all Federal aid road construction work, in order that it may meet the requirements of the government.

It is necessary that an experienced and reliable resident engineer be placed on each project giving continuous service to see that all requirements of the plans and specifications are carried out and that no defective workmanship or materials be incorporated in the work. The continuous presence of the State's representative is necessary in order that we may be assured that no improper workmanship or materials become covered up where it cannot be examined at final inspection.

As you are aware, the success of Federal aid work, as well as the continued success and popularity of the State's road construction program is dependent entirely upon the close supervision of all work from the very beginning of the program. It is necessary that special attention be given to this matter in the early part of the construction program in order that there may be developed and trained a good corps of engineering employees capable of being expanded into the larger organization which will become necessary as larger funds become available. I, therefore, cannot too strongly point out the necessity for thorough engineering organization and supervision during the beginning of the work, when the contractors, at least the majority of them, are new at the business and must be largely trained.

I have from time to time taken occasion to call this matter to the attention of the various State highway departments in this district, and go into the subject at his time in view of the policy of the bureau to require a higher grade of construction than was possible during the earlier stages of the work when construction conditions were more unfavorable.

Very truly yours,

(Signed) A. E. Loder,
District Engineer.

EXCESS WAR MACHINERY AND EQUIPMENT GIVEN THE STATE BY THE FEDERAL GOVERNMENT.

The Sixty-fifth Congress in the postoffice appropriation act (H. R. 13308; signed February 28th, 1919), enacted as follows:

Section 7. That the secretary of war be, and he is hereby authorized in his discretion to transfer to the secretary of agriculture all available war material, equipment and supplies not needed for the purposes of the war department, but suitable for use in the improvement of highways and that the same be distributed among the highway departments of the several states to be used on roads constructed in whole or in part by the Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916; provided, that the secretary of agriculture, at his discretion, may reserve from such distribution not to exceed ten per centum of such material, equipment and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

The estimated value of motor equipment, spare parts, and miscellaneous supplies received from the Federal government amounts to \$2,100,000.00.

The motor equipment delivered to the highway department consists of 477 trucks of which 202 were new, 27 new ten-ton Holt tractors, 2 Porter 36" gauge locomotives with 20 miles of rail and appurtenances, 20 railroad cars. In addition to this heavy equipment we have received derricks, wagons, pumps and a large assortment of small tools and equipment.

With the motor equipment, we have received 43 touring cars all in more or less dilapidated condition. We estimate the value of new parts given for the motor equipment to be approximately \$200,000.00.

We have distributed to the counties 174 trucks and six tractors. All of the equipment in the hands of the department, with the exception of a few trucks and cars, is stored at Camp Sheridan and insured. All of this equipment will be of great service to the department.

Respectfully submitted,

(Signed) W. S. Keller,
State Highway Engineer.

ORDER TO PRINT.

On motion of Mr. Acker, the Secretary was directed to have printed 1,000 copies of the foregoing message of the governor for the use of the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Brown:

S. 1. To amend section 7654 of the Code of Alabama of 1907 and to provide a penalty for failure to make and transmit the statement therein required.

Judiciary.

By Mr. Smith of Lawrence:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

Finance and Taxation.

By Mr. Acker (with notice and proof):

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made at a called term or regular term of the Legislature of Alabama for the enactment of the following law, to-wit:

To transfer all moneys from the Fine and Forfeiture Fund of Calhoun county, Alabama, to the General Fund of said county and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture of said county to the general fund.

Be it enacted by the Legislature of Alabama:

Section 1. That all moneys in excess of \$2,000.00 in the fine and forfeiture fund of Calhoun county, Alabama, on the approval of this act be and the same are hereby transferred to the general fund of said county, and the president of the court of county commissioners of said county is hereby authorized and directed to draw a warrant covering the entire fine and forfeiture fund in excess of \$2,000.00 of said county, transferring the same from the fine and forfeiture to the general fund.

Section 2. That the president of the commissioners court of said county shall have authority, after the approval of this act, to transfer from time to time according to his discretion, all moneys that may accumulate in the fine and forfeiture fund of said county to the general fund of said county.

Section 3. That this act shall be effective on its approval by the governor.

The State of Alabama, }
Calhoun County. }

Before me, Clara B. Wraght, a notary public in and for said State and county, personally appeared Patti B. Haynes, secretary to the publisher of the Anniston Star, a daily newspaper published in said county of Calhoun, who being by me duly sworn, deposes and says that the notice of application for the enactment of a certain law, by the Legislature of Alabama at its next session, a copy of which is hereto attached, appeared in said paper for four consecutive weeks, to-wit: on the 18th and 25th of August, and the 1st and 8th of September, 1921, as required by law in such cases.

Patti Haynes,
Secretary to the Publisher of the Star.

Sworn to and subscribed before me this 29th day of September, 1921.

(Seal) Clara B. Wright,
Notary Public.

By Mr. Acker:

S. 4. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the governor or either house of the Legislature, upon important constitutional questions and on solemn occasions.

Judiciary.

By Mr. Acker:

S. 5. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Judiciary.

By Mr. Acker:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provisions of an invalid act, resolution or proposed amendment to the State Constitution.

Finance and Taxation.

By Mr. Acker:

S. 7. Providing for actions against unincorporated organizations or associations and regulating the procedure thereof.

Judiciary.

By Mr. Acker:

S. 8. Providing for actions against certain unincorporated organizations or associations and stipulating how the service of process may be effected upon certain unincorporated associations, organizations or unions.

Judiciary.

By Mr. Acker:

S. 9. To provide further for the depositing and safekeeping of all funds and moneys of the county in the State or national banks; and to provide penalties for failure to perform and discharge the duties prescribed in this act.

Finance and Taxation.

By Mr. Sims (with notice and proof):

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

State of Alabama, }
Talladega County. }

To Whom It May Concern:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the special session thereof soon to convene, and of the intention to have said bill passed and enacted at said session, the substance, essential and material parts thereof, and the bill in full as part of this notice being as follows:

"AN ACT"

To provide for a judge of the county court of Talladega county, Alabama, fix his compensation and to provide for the payment of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the judge of probate of Talladega county, Alabama, shall be ex-officio judge of the county court, and shall be paid out of the county treasury an annual salary of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensation allowed by law to such judge for services rendered in and about such county court, the payment of such salary to be by warrant of such judge drawn on the treasurer of the county on the first of each month."

The State of Alabama, }
Talladega County. }

Personally appeared before me, E. A. Hammett, judge of probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the editor of the Talladega Reporter, a newspa-

per published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 4th, 1921; August 11th, 1921; August 18th, 1921; and August 25th, 1921.

Luther Fowler.

Subscribed and sworn to before me this 3rd day of October, 1921.

E. A. Hammett,
Judge of Probate.

By Mr. Sims:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns, and municipalities, and the inhabitants thereof; and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

(Which was read at length as required by the Constitution.)
Municipalities and Municipal Organizations.

By Mr. Sims:

S. 12. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

(Which was read at length as required by the Constitution.)
Municipalities and Municipal Organizations.

By Mr. Bealle:

S. 13. To amend section 7814 of the Code of Alabama, 1907.
Revision of Laws.

By Mr. Bealle:

S. 14. To provide for the examination of all moving pictures, motion picture films, reels, views or slides before they are permitted to be shown to the public, and to provide for the examination, approval, or rejection of the same by all incorporated cities

and towns in Alabama, and to provide penalties for violations of said provisions.

Revision of Laws.

By Mr. Caffey:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

Agriculture.

By Mr. McDowell:

S. 16. To repeal section 25 of an act of the Legislature of Alabama, fixing the salaries of the secretary of State, attorney general, State auditor, State treasurer, superintendent of education, and commissioner of agriculture and industries, elected in 1922, and who enter upon their respective offices in January, 1923, and their several successors in office. Approved September the 30th, 1919.

Finance and Taxation.

By Mr. Baker:

S. 17. To submit to the qualified voters of the State of Alabama, at the general election to be held on the next general election day in November, 1922, an amendment to section 19 of the Constitution of the State of Alabama, in the bill of rights, so as that said section shall prohibit the confiscation of property, real or personal for any cause, when such property belongs to any class, kind or quantity of property the title, ownership or possession of which is lawful.

(Which was read at length as required by the Constitution.)
Constitution, Constitutional Revision and Amendments.

By Mr. Baker:

S. 18. To amend section 6906 of the Code of Alabama (1907).
Revision of Laws.

By Mr. Cowan:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

Finance and Taxation.

By Mr. Phillips (by request):

S. 20. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the

final adjournment of the present special session of the Legislature.

(Which was read at length as required by the Constitution.)
Constitution, Constitutional Revision and Amendments.

By Mr. Teasley:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

(Which was read at length as required by the Constitution.)
Constitution, Constitutional Revision and Amendments.

By Mr. Teasley:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Finance and Taxation.

By Mr. Carmichael:

S. 23. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

(Which was read at length as required by the Constitution.)
Constitution, Constitutional Revision and Amendments.

By Mr. Carmichael:

S. 24. To permit the manufacture and sale of cereal beverages.

Temperance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted S. J. R. 7 on the death of Hon. William D. McCurdy.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

RESOLUTION

Mr. Evins offered the following resolution:

By Mr. Evins:

S. J. R. 11. Whereas, there are now six vacancies in the membership of the House of Representatives, which vacancies existed at and prior to the time of the call for this extra session of the Legislature, and

Whereas, the Constitution and statutes of the State require the calling of elections to fill all such vacancies; and

Whereas, such elections not having been called, this body, in which such vacancies exist is not the legislative body contemplated by the Constitution, and hence, cannot exercise legislative powers, therefore, be it

Resolved by the Senate, the House concurring, that this extra session of the Legislature do now recess until the third Monday in November, 1921, in order that said vacancies may be filled by elections properly called.

Which resolution was read one time and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Mr. Carmichael, the Senate adjourned at 3:45 until 3 P. M. tomorrow.

SECOND DAY.

Wednesday, October 5, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Jenkins, Doorkeeper of the Senate.

Present:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Baker	Espy	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Caffey	Harper	Nance	Tally
Carlton	Huddleston	Phillips	Teasley
Carmichael	Kelly	Prestwood	Webb
Cowan	Leith	Rogers (Lauderdale)	West
Craft			

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JOURNAL.

On motion of Mr. Carmichael the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Lauderdale:

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

Revision of Laws.

By Mr. Acker:

S. 26. To amend section 7852 of the Code of Alabama of 1907.

Judiciary.

By Mr. Phillips:

S. 27. To repeal section 41½ of an act entitled an act to provide for the general revenue of the State of Alabama, and approved September 15, 1919.

Finance and Taxation.

By Mr. Rogers of Sumter:

S. 28. To amend section eight of an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919 (Acts 1919, p. 522-23).

Penitentiary, Prison and Prison Punishment.

By Mr. Craft:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Fish, Game and Forestry.

By Mr. Craft:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

(Which was read one time at length as required by the Constitution.)

Constitution, Constitutional Revision and Amendment.

By Mr. Craft:

S. 31. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Finance and Taxation.

By Mr. Craft:

S. 32. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

Public Roads and Highways.

By Mr. Craft:

S. 33. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election an amendment to the Constitution of the State of Alabama, whereby the municipal corporation of Mobile, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporation at election to be held for such purpose, and to provide for such elections.

(Which was read one time at length as required by the Constitution.)

Constitution, Constitutional Revision and Amendment.

By Mr. Craft:

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Municipalities and Municipal Organizations.

By Mr. Espy (with notice and proof) :

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION.

Notice of intention to apply for repeal of Henry County Road and Bridge Law.

Notice is hereby given of intention to make application to the next session of the Legislature of Alabama for repeal of the following local act for the county of Henry in said State, to-wit:

AN ACT

To repeal an act entitled an act "To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Be it enacted by the Legislature of Alabama:

Sec. 1. That an act entitled an act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita tax in lieu of road and bridges service, and levy and collect a vehicle tax and to provide penalty for violation of and

failures to comply with provisions created under authority of this act," approved September 10th, 1919, pages 100 to 101 of the Local Acts of Alabama of 1919, be and the same is hereby repealed.

J. R. Espy.

State of Alabama, }
Henry County. }

Before me, H. W. Owens, judge of probate in and for said county, in said State, personally appeared before me, this date, the undersigned H. H. Golson, who is known to me, and known to be a credible person, and who on oath to whom same is duly administered, deposes and says, as follows:

That he is editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville in said county and State, and,

That a clipping from said paper as pasted hereto above, is a true and correct copy of "Notice of Intention to Apply for Repeal of Henry County Road and Bridge Law" as the same was published for four consecutive weeks in said paper, on dates, to-wit: September 8th, 15th, 22nd, and 29th, 1921.

(Signed) H. H. Golson.

Sworn and subscribed to before me, this the 29th day of September, 1921.

(Signed) H. W. Owens,
Judge Probate.

(Seal)

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

S. 1. To amend section 7654 of the Code of Alabama of 1907 and to provide a penalty for failure to make and transmit the statement therein required.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

S. 18. To amend section 6906 of the Code of Alabama (1907).

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

S. 17. To submit to the qualified voters of the State of Alabama, at the general election to be held on the next general election day in November, 1922, an amendment to section 19 of the Constitution of the State of Alabama, in the bill of rights, so as that said section shall prohibit the confiscation of property, real

or personal for any cause, when such property belongs to any class, kind or quantity of property the title, ownership or possession of which is lawful.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted upon the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 20. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Which was read at length as required by the Constitution.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907, which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organization, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns and municipalities, and the inhabitants thereof, and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the adverse calendar, to-wit:

S. 4. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the governor or either house of the Legislature, upon important constitutional questions and on solemn occasions.

RESOLUTIONS.

Mr. Carmichael offered the following resolution:

S. J. R. 12. Resolved by the Senate, the House concurring, that both bodies hold sessions Thursday and Friday of this week and that when the Legislature adjourns on Friday it shall be until Monday, October 10th, at 2 o'clock P. M.

Which resolution, upon a suspension of the rules and on motion of Mr. Carmichael, was adopted.

Mr. Craft offered the following resolution:

S. J. R. 13. Whereas, a distinguished citizen of the State of Alabama, our Honorable United States Senator, John Hollis Bankhead, has departed this life after a long public career of usefulness; and

Whereas, Senator Bankhead enlisting in the Confederate Army as a boy demonstrated the highest quality of valor and patriotism as a soldier of the South; and

Whereas, he exemplified the highest courage when after the South had been devastated by the ravages of war, he took to the plow handle as a means of supporting his mother and of earning funds with which to educate himself; and

Whereas, during his long career as a member of the House of Representatives and as a United States Senator from this State, he was especially active in opening up our waterways for navigation and the utilization of water power; and

Whereas, due to his long and zealous championship of good roads, he secured the greatest appropriation in the history of the government, aggregating approximately three hundred million dollars for the construction of good roads throughout the United States:

Now, therefore, be it resolved by the Senate, the House concurring, that in the death of Senator John Hollis Bankhead, Alabama has lost one of her most distinguished citizens—a man honored and respected for his high character and excellencies of mind and heart.

Be it further resolved, that we mourn his death as a former soldier, patriot and statesman—one who has written many of the brightest pages of Alabama's illustrious history.

Which, under a suspension of the rules, was read and adopted.

Mr. Phillips offered the following resolution:

S. J. R. 14. Be it enacted by the Legislature of Alabama: That the following amendment to section 48 of the Constitution be proposed to the qualified electors of the State of Alabama:

1st. Section 48. The Legislature shall meet biennially at the capitol, in the Senate chamber and in the hall of the House of Representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be prescribed by law; and shall remain in session not longer than fifty days. If at any time it should, from any cause become impossible or dangerous for the Legislature to meet, or remain at the capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet, or remain in the hall of the House of Representatives, the governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them as necessity may require.

2nd. Be it further resolved, that the foregoing amendment shall be submitted to the qualified electors of the State at the next general election, after the final adjournment of this Legislature.

Which resolution was read one time and referred to the Standing Committee on Constitution, Constitutional Revision and Amendments.

Mr. Acker offered the following resolution:

S. R. 15. Resolved, that the Committee on Rules be and it is hereby authorized and directed to select five clerks of committees and to assign the said clerks to the several committees of the Senate.

Which resolution was read and on a suspension of the rules was adopted.

Mr. McDowell offered the following resolution:

S. J. R. 16. Whereas, Dr. Charles C. Thach, so long president of the Alabama Polytechnic Institute, lies dead at Auburn today, and the spirit of this great educator has taken its flight to its home beyond the stars;

Whereas, his influence upon the youth of Alabama has been such as to add so much to the citizenship of this commonwealth; therefore,

Be it resolved, by the Senate, the House concurring, that in honor of his memory both houses of this Legislature do stand adjourned until the morrow, and that this resolution be spread upon the minutes of both houses.

Which was read once and, upon a suspension of the rules, was adopted.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted upon the following resolutions and ordered same returned to the Senate with an adverse report:

S. J. R. 11. Whereas, there are now six vacancies in the membership of the House of Representatives, which vacancies existed at and prior to the time of the call for this extra session of the Legislature; and, whereas, the Constitution and statutes of the State require the calling of elections to fill all such vacancies; and whereas, such elections not having been called, this body, in which such vacancies exist, is not the legislative body contemplated by the Constitution, and hence, cannot exercise legislative powers; therefore, be it

Resolved by the Senate, the House concurring, that this extra session of the Legislature do now recess until the third Monday in November, 1921, in order that said vacancies may be filled by elections properly called.

S. J. R. 3. Whereas, the Legislature of Alabama has been called into extraordinary session for the purpose of considering a large number of measures, to-wit: eighteen matters stated in the call convening said session, and whereas, the most intense and practical matters that confronts the people of Alabama at

this time, is the excessive amount of taxes that they are called upon to pay, and do pay, and whereas, the reduction of said taxes is a matter of such great and grave concern to the people of this commonwealth, that this Legislature should take some act or step towards providing relief for the people, and whereas, the call convening this Legislature into extraordinary session is silent on this one matter, which is of the gravest importance to our people.

Therefore, be it resolved by the Senate, the House concurring, that it is the sense of the Senate, that the Finance and Taxation Committee of the Senate, and the Ways and Means Committee of the House, be and they are hereby instructed to hold a joint session for the purpose of amending the said present revenue act of Alabama, in such a manner as the necessary relief now sought by the taxpayers of this State may be obtained.

In Memory

OF

Hon. Wm. D. McCurdy

TWICE A REPRESENTATIVE FROM

LOWNDES COUNTY

AND A MEMBER

OF THE

STATE SENATE

FROM THE 16TH DISTRICT

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 12 relative to sessions Thursday and Friday of the two houses and adjournment until Monday, Oct. 10th at 2 P. M.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

ADJOURNMENT.

The Senate at 3:40 on motion of Mr. Carmichael, adjourned until tomorrow afternoon at 3 o'clock.

THIRD DAY.

Thursday, October 6, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Tew, of Eufaula.

ROLL CALL.

Present:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Baker	Espy	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Caffey	Harper	Nance	Tally
Carlton	Huddleston	Phillips	Teasley
Carmichael	Kelly	Prestwood	Webb
Cowan	Leith	Rogers (Lauderdale)	West
Craft			

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JOURNAL.

On motion of Mr. Acker, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE.

Leave of absence was granted to the following Senators for Friday: Messrs. Brown, Bealle, West, McDowell, Ellis, Moore, Espy.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Acker:

S. 36. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the governor upon important constitutional questions and on solemn occasions.

Judiciary.

By Mr. Acker:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Finance and Taxation.

By Mr. Webb:

S. 38. To amend section 7814 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Leith:

S. 39. To provide an expense account of six hundred dollars for the circuit solicitor in all judicial circuits containing five counties and having two judges and one solicitor.

Finance and Taxation.

By Mr. West:

S. 40. To provide for the termination of the term of office of the board of education, and to further provide for the election of members of such boards of education in all cities in the State of Alabama which have a population of more than 150,000 inhabitants, according to the last or any subsequent Federal census, said election to be held as hereinafter provided.

Education.

By Mr. Rogers of Sumter:

S. 41. To repeal section 8 of an act entitled "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system and to provide penalty for the violation thereof," and approved September 23, 1919.

Penitentiary, Prison and Prison Punishment.

By Mr. Baker:

S. 42. To amend subdivision one, of section thirteen of an act entitled an act to further suppress the evils of intemperance, to restrict the receipt, possession and delivery of spirituous, vinous, fermented, malted or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties, approved January 25, 1919.

Temperance.

By Mr. Phillips:

S. 43. To repeal sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108 of an act entitled "An act to provide for the general revenue of the State of Alabama" approved Sept. 15th, 1919.

Finance and Taxation.

By Mr. Espy:

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15th, 1919.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker (with substitute):

S. 7. Providing for actions against unincorporated organizations or associations and regulating the procedure thereof.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Phillips:

S. J. R. 14. Relating to biennial sessions of the Legislature.

Mr. Brown, acting chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cowan:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

By Mr. McDowell:

S. 16. To repeal section 25, of an act of the Legislature of Alabama, fixing the salaries of the secretary of State, attorney general, State auditor, State treasurer, superintendent of education, and commissioner of agriculture and industries, elected

in 1922, and who enter upon their respective offices in January, 1923, and their several successors in office. Approved Sept. the 30th, 1919.

By Mr. Teasley:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

By Mr. Acker:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provisions of an invalid act, resolution or proposed amendment to the State Constitution.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 32. To provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Mr. Brown, acting chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Acker:

S. 9. To provide further for the depositing and safekeeping of all funds and moneys of the county in the State or national

banks; and to provide penalties for failure to perform and discharge the duties prescribed in this act.

RESOLUTIONS.

Mr. McDowell offered the following resolution:

S. R. 17. Be it resolved by the Senate, that no bill or resolution be considered for passage by the Senate on tomorrow, Friday, 7th.

Which was adopted under a suspension of the rules.

Mr. Craft offered the following resolution:

S. J. R. 18. Resolved by the Senate, the House concurring, that a cordial and pressing invitation be and the same is hereby extended to the Hon. J. Thomas Heflin, Junior United States Senator from the State of Alabama, to address the Legislature at such time as may suit his pleasure and convenience on the subject of the imperative importance of the construction of a thorough system of State highways and the development of the waterways of the State.

Which was adopted under a suspension of the rules and ordered sent to the House without engrossment.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House Joint Resolution:

By Mr. Faulk:

H. J. R. 10. Whereas, the desolation wrought throughout the entire civilized world during the ravages of the terrible war which has paralyzed commerce, impoverished the principal nations of Europe and took terrific toll in blood and carnage of the flower of the young manhood of many of the principal nations of the earth; and

Whereas, this cruel war has visited indescribable hardships upon all the civilized powers and civilized peoples of the earth, from which they will not recover for generations yet to come; and

Whereas, the cost of maintaining great armies and great navies imposes a burden of taxation upon the masses of the people, which during this period of financial depression and readjustment, they are unable to bear; and

Whereas, all nations are eager to obviate war unless their armies and navies are recruited to the maximum strength, large armies and large navies being conducive to war.

Now, therefore, be it resolved by the House, the Senate concurring, that the Senators and Representatives in Congress from the State of Alabama, be, and they are hereby most earnestly

memorialized and requested to throw the weight of their great influence in behalf of securing the disarmament of the nations of the earth; that is, a substantial reduction in the armies and navies of the civilized nations of the world, and reducing them to the least possible minimum, consistent with their immediate use for maintaining peace, law and order at home; it is our belief that an international agreement, looking to substantial disarmament, will largely prevent wars and will operate toward securing permanent world peace.

And sends same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The foregoing resolution contained in said House message was read once and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 18, relative to inviting United States Senator, Hon. J. Thos. Heflin, to address the two houses.

And returns same to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. Nos. 8, 9 and 13 and returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

BILLS ON THIRD READING.

The bill:

S. 20. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was taken up.

Mr. Prestwood offered the following amendment:

Amend section one of the bill by inserting after the words "shall qualify all persons who come within the protection of this amendment" and before the words "to vote and hold office in this State" insert the following, to-wit:

"Who were otherwise qualified electors except for the non-payment of poll tax or minority."

And further amend section one of said bill by adding after the words "from and after the 29th day of December, 1919," and before the words "the judges of probate" insert the following:

"until October 1st, 1923."

Amend section three of the bill by inserting after the words "shall qualify all persons who come within the protection of this amendment" and before the words "to vote and hold office in this State" insert the following, to-wit:

"who were otherwise qualified electors except for the non-payment of poll tax, or minority."

And further amend section three of said bill adding after the words "from and after the 29th day of December, 1919," and before the words "the judges of probate" insert the following, to-wit:

"until October 1st, 1923."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Moore	Sims
Baker	Espy	Morris	Smith (Coosa)
Brown	Evins	Nance	Smith (Lawrence)
Caffey	Harper	Phillips	Tally
Carlton	Kelly	Prestwood	Teasley
Carmichael	Leith	Rogers (Sumter)	Webb
Craft	Miller		

—26

Nays:—None.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Morris	Sims
Baker	Espy	McDowell	Smith (Coosa)
Brown	Evins	Nance	Smith (Lawrence)
Caffey	Harper	Phillips	Tally
Carlton	Kelly	Prestwood	Teasley
Carmichael	Leith	Rogers (Lauderdale)	Webb
Cowan	Miller	Rogers (Sumter)	West
Craft	Moore		

—30

Nays:—None.

The bill:

S. 1. To amend section 7654 of the Code of Alabama of 1907 and to provide a penalty for failure to make and transmit the statement therein required.

Was taken up.

Mr. Acker offered the following amendments:

AMENDMENT TO SENATE BILL NO. 1.

1. Amend the title by striking out of the title of said bill all words after "1907."

2. Insert in section 1 of the bill after the words, "judge to make" the words "on forms to be provided by the board of pardons."

3. Amend section 1 by striking out all of said section following the words "evidence of neglect of duty."

Which was adopted.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Moore	Sims
Baker	Espy	Nance	Smith (Coosa)
Brown	Evins	Phillips	Smith (Lawrence)
Caffey	Harper	Prestwood	Tally
Carlton	Kelly	Rogers (Lauderdale)	Teasley
Carmichael	Leith	Rogers (Sumter)	Webb
Craft	Miller		

—26

Nays:—None.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Moore	Sims
Baker	Espy	Nance	Smith (Coosa)
Brown	Evins	Phillips	Smith (Lawrence)
Caffey	Harper	Prestwood	Tally
Carlton	Kelly	Rogers (Lauderdale)	Teasley
Carmichael	Leith	Rogers (Sumter)	Webb
Craft	Miller		

—26

Nays:—None.

The bill:

S. 18. To amend section 6906 of the Code of Alabama (1907).

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 19; Nays, 6.

Yeas:

Messrs:

Acker	Carlton	Craft	Evins
Baker	Carmichael	Ellis	Kelly

Leith	Morris	Sims	Teasley	
Miller	Prestwood	Smith (Lawrence)	Webb	
Moore	Rogers (Lauderdale)	Tally		—19

Nays:

Messrs:

Brown	Espy	Nance	Rogers (Sumter)	
Caffey	Harper			—6

The bill:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 5.

Yeas:

Messrs:

Acker	Espy	Nance	Smith (Lawrence)	
Baker	Harper	Phillips	Tally	
Brown	Kelly	Rogers (Lauderdale)	Teasley	
Caffey	Leith	Rogers (Sumter)	Webb	
Carmichael	Miller	Sims	West	
Craft	Moore	Smith (Coosa)		—23

Nays:

Messrs:

Carlton	Evins	Morris	Prestwood	
Ellis				—5

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House bill:

By Mr. Tompkins:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

And ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The foregoing bill set out in the foregoing message from the House was read one time at length and referred to the Standing Committee on Constitution, Constitutional Revision and Amendments.

ADJOURNMENT.

On motion of Mr. Acker the Senate at 4:25 P. M. adjourned until tomorrow morning at 10 o'clock.

FOURTH DAY.

Friday, October 7, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Partridge, of the House.

ROLL CALL.

Present:

Messrs:			
Acker	Cowan	Leith	Rogers (Sumter)
Baker	Craft	Miller	Sims
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Espy	Morris	Smith (Lawrence)
Brown	Evins	McDowell	Tally
Butler	Griffith	Nance	Teasley
Caffey	Harper	Phillips	Webb
Carlton	Huddleston	Prestwood	West
Carmichael	Kelly	Rogers (Lauderdale)	

—35

JOURNAL.

On motion of Mr. Acker, the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kelley:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Finance and Taxation.

By Mr. Baker:

S. 46. To repeal an act entitled an act to authorize the governor to employ a special force to serve under his direction and

control, to assist him in his duty of taking care that the laws of the State are faithfully executed, to define the powers of persons employed on such special force, and require each to give bond, and to provide compensation for their services.

Revision of Laws.

REPORTS OF COMMITTEES.

Mr. Phillips, acting chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: By Mr. Craft (with amendment):

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Which was read at length as required by the Constitution.

INFORMAL RECESS.

At the conclusion of the reports from standing committees, Mr. Acker moved for an informal recess until 11 o'clock, which motion prevailed.

And in accordance to the above motion the hour of eleven o'clock having arrived the Senate was again called to order for the transaction of business.

ADJOURNMENT.

On motion of Mr. Acker, the Senate at 11:45 adjourned to meet again on Monday, October 10th, which was in accordance with a joint resolution heretofore adopted.

FIFTH DAY.

Monday, October 10, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer was offered by Dr. Herlong, of the Clayton Street Methodist Church.

ROLL CALL.

Present:

Messrs:			
Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Espey	Moore	Smith (Coosa)
Butler	Evins	Morris	Smith (Lawrence)
Caffey	Griffith	McDowell	Tally
Carlton	Harper	Nance	Teasley
Carmichael	Huddleston	Phillips	West

—32

JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with.

RESOLUTIONS.

Mr. Rogers, of Sumter, offered the following resolution, which was under a suspension of the rules adopted:

S. J. R. 19. Resolved by the Senate, the House concurring, that W. S. Keller, chief engineer of the State, be requested to make to the joint sitting of the House and Senate in the hall of the House of Representatives at the hour of 3 P. M., Oct. 10, 1921, a full report of the work of the highway commission, accounting for the expenditures of all moneys by this department.

Mr. Rogers, of Sumter, offered the following resolution which was adopted under a suspension of the rules:

S. J. R. 20. Resolved by the Senate, the House concurring, that the Honorable John McDuffie, congressman from the first district of Alabama, be invited to address a joint sitting of the House and Senate at the hour of 4 P. M. this afternoon, October 10, 1921, or immediately after the report made by W. S. Keller, that a committee of three, one from the Senate and two from the House, be made to notify Mr. McDuffie of this invitation.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Sumter (with notice and proof):

S. 47. For the relief of P. B. Jarman of Sumter county, authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

Local Legislation.

With notice and proof attached thereto and herewith exhibited as follows:

Notice is hereby given, as provided by law, that a bill will be introduced in the special session of the Legislature for the relief of P. B. Jarman, of Sumter county, the substance of same being as follows, viz.: Authorizing the county depository of Sumter county to pay P. B. Jarman \$206.65 with interest thereon, for a warrant for said sum issued on February 9, 1914, for services rendered by the said P. B. Jarman, payment of same having been refused by the county treasurer of said county, for the reason that the account was not filed within twelve months from the performance of said service.

The State of Alabama, }
Sumter County. }

I, W. H. Lawrence, editor and proprietor of "Our Southern Home," a newspaper, published in Livingston, Alabama, Sumter county, hereby certify that the attached notice was duly published in "Our Southern Home" on the following dates, to-wit: August 3, August 10, August 17, and August 24, 1921.

Given under my hand this the 30th day of September, 1921.

(Signed) W. H. Lawrence,
Editor and Owner of "Our Southern Home."

Sworn and subscribed before me this the 30th day of August, 1921.

(Signed) M. C. Jarman,
Notary Public.

By Mr. Phillips:

S. 48. To propose an amendment to section 48 of the Constitution of Alabama and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Constitution, Constitutional Revision and Amendments.

By Mr. Teasley:

S. 49. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Local Legislation.

By Mr. Ellis (by request):

S. 50. An act to repeal section 1411 of the Code of Alabama of 1907.

Finance and Taxation.

By Mr. Craft:

S. 51. To provide that any dentist or dental surgeon who is a graduate of any recognized school of dentistry shall be entitled to practice dentistry or dental surgery in Alabama upon the presentation to the board of dental examiners of the State of Alabama satisfactory evidence of his being such graduate, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons practicing their profession in the State of Alabama.

Public Health.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. Nos. 19 and 20, and the Speaker names on part of the House, Messrs. Dansby and Jones of Marengo.

Fred H. Gormley,
Clerk.

BILLS ON THIRD READING.

The bill:

S. 7. Providing for actions against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up.

The committee offered the following substitute to said bill:
Committee substitute for Senate bill No. 7:

A bill to be entitled an act providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof:

Be it enacted by the Legislature of Alabama:

Sec. 1. An action or suit may be maintained by or against any unincorporated organization or association in the name of such unincorporated organization or association.

Sec. 2. Actions or suits may be maintained against any unincorporated organization or association for any cause of action for or upon which the plaintiff therein may maintain such an action against the members of such organization or association.

Sec. 3. Service of process in such actions against such organizations or associations may be had by service upon any officer or official member of such organization or association, or upon any officer or official member of any branch or local of such organization or association.

Sec. 4. Such organization or association shall be suable in any action now pending, or any action now existing or hereafter arising. Such action may be maintained in any county where such organization or association does business or has in existence a branch or local organization.

Sec. 5. Where a judgment in such actions is rendered in favor of the plaintiff against such organizations or associations the property of such organization or association shall be liable to the satisfaction of such judgment, but there shall be no liability against the persons or property of the individuals composing such organization or association unless such individuals have been made parties defendant to such action.

Sec. 6. In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional, or invalid, the same shall not be held to affect any other paragraph or provision of this act.

Sec. 7. The provisions of this act shall take effect immediately upon its approval by the governor.

Mr. Teasley offered the following amendment to the substitute:

Amend the substitute to bill by striking out all of sentence five after the word "associations" on the sixth line of the bill.

Which was lost.

Yeas, 8; Nays, 19.

Yeas:

Messrs:

Harper	Leith	Nance	Smith (Lawrence)
Huddleston	Morris	Phillips	Teasley

—8

Nays:

Messrs:

Acker	Carlton	Evins	Rogers (Sumter)
Baker	Carmichael	Griffith	Sims
Bedsole	Cowan	Kelly	Smith (Coosa)
Butler	Ellis	Miller	Tally
Caffey	Espy	Prestwood	

—19

• MOTION TO INDEFINITELY POSTPONE.

Mr. Teasley moved that the bill and pending amendments be indefinitely postponed and called for a yea and nay vote, and the chair ascertained if the call was sustained and the call was sustained, and upon the call of the roll by the Secretary the motion was lost, yeas 10, nays 20.

Yeas:

Messrs:

Ellis	Leith	Nance	Smith (Lawrence)
Harper	Moore	Phillips	Teasley
Huddleston	Morris		

—10

*Nays:**Messrs:*

Acker	Caffey	Evins	Rogers (Sumter)
Baker	Carlton	Griffith	Sims
Beale	Carmichael	Kelly	Smith (Coosa)
Bedsole	Cowan	Miller	Tally
Butler	Espy	Prestwood	West

—20

Mr. Leith offered the following amendment to the substitute:
Amend the substitute to said bill by striking out the word
“individual” wherever same appears.

Which was lost.

Yeas, 11; Nays, 17.

*Yeas:**Messrs:*

Ellis	Huddleston	Morris	Teasley
Espy	Leith	Nance	West
Harper	Moore	Phillips	

—11

*Nays:**Messrs:*

Acker	Carlton	Griffith	Rogers (Sumter)
Baker	Carmichael	Kelly	Sims
Beale	Cowan	Miller	Smith (Coosa)
Butler	Evins	Prestwood	Tally
Caffey			

—17

JOINT SESSION.

The hour of three o'clock having arrived which was the time set for the joint session arranged for the purpose of receiving the report of State Highway Engineer Keller, and to hear the address of Hon. John McDuffie, the Senate repaired to the hall of the House of Representatives.

Lieutenant Governor Miller presided on the part of the Senate and Speaker Lynne on the part of the House.

Upon a call of the roll by the Secretary of the Senate the following Senators answered to their names, a quorum:

Messrs:

Acker	Cowan	Kelly	Prestwood
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Espy	Moore	Smith (Coosa)
Butler	Evins	Morris	Smith (Lawrence)
Caffey	Griffith	McDowell	Tally
Carlton	Harper	Nance	Teasley
Carmichael	Huddleston	Phillips	West

Upon a call of the roll by the Clerk of the House of Representatives the following members answered to their names, a quorum:

Messrs:			
Speaker	Dansby	Jones (Marengo)	Ross
Adams	Deese	Johnson	Russell
Albright	Downs	Jordan	Salter
Alexander	Dunaway	Lawson	Smith
Allen	Edwards (Pike)	Lee (Perry)	Sparks
Arnold	Ellis (Bullock)	Long (Butler)	Stewart
Austin	Ellis (Elmore)	Long (Sumter)	Tompkins
Baker	Faulk	Matthews (Wilcox)	Trammell
Barganier	Gilbreath	Milford	Truss
Blunt	Graham	Mitchell	Tunstall
Bracken	Green	Moorer	Van de Graaff
Calvert	Hale	McDonald	Varner
Carnley	Harrison	McLeod	Waddell
Christian	Hawkins	Oakley	Williams
Christopher	Hollis	Orr	Williamson
Clayton	Howle	Parker	Wilson
Cobbs	Ingram	Pittman	Woodard
Crump	Jones (Escambia)	Robertson	

BUSINESS RESUMED.

Immediately after adjournment of the joint session the Senate returned to the Senate chamber and resumed business.

BILLS ON THIRD READING.

The bill:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 27; Nays, 0.

Yeas:

Messrs:			
Acker	Cowan	Kelly	Sims
Baker	Craft	Moore	Smith (Coosa)
Bedsole	Espy	Morris	Smith (Lawrence)
Butler	Evins	Nance	Tally
Caffey	Griffith	Phillips	Teasley
Carlton	Harper	Prestwood	West
Carmichael	Huddleston	Rogers (Sumter)	

—27

Nays:—None.

The bill:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Huddleston	Rogers (Sumter)
Baker	Cowan	Kelly	Sims
Beale	Craft	Moore	Smith (Coosa)
Bedsole	Ellis	Morris	Smith (Lawrence)
Butler	Espy	Nance	Tally
Caffey	Griffith	Phillips	Teasley
Carlton	Harper	Prestwood	West

—28

Nays:—None.

ADJOURNMENT.

On motion of Mr. Bealle, the Senate at 4:55 adjourned until tomorrow afternoon at 2 o'clock.

SIXTH DAY.

Tuesday, October 11, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Bealle, of the Senate.

ROLL CALL.

Present:

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Smith (Lawrence)
Butler	Griffith	Nance	Tally
Caffey	Harper	Phillips	Teasley
Carlton	Huddleston	Prestwood	West
Carmichael	Kelly		

—34

Nays:—None.

JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. West:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

Finance and Taxation.

By Mr. Rogers of Sumter (with notice and proof):

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to amend an act entitled an act to establish a board of revenue for Sumter county and for the abolishment of the court of county commissioners of said county, so as to increase the members from five to seven, one of whom shall be the president and shall be elected from the county at large; the associate member to be elected by the qualified electors of his precinct; so as to divide the county into districts; to provide for the election of the members and prescribe their term of office.

The State of Alabama, }
Sumter County. }

Before me, W. W. Patton, a notary public in and for said State and county, personally came W. H. Lawrence, who being first duly sworn, deposes and says:

That he is the publisher of our "Southern Home," a weekly newspaper published at Livingston, in Sumter county, Alabama; that the attached notice was published once a week for four consecutive weeks in said paper, having been published in the issues of July 13th, July 20th, July 27th, and August 3rd, 1921, without cost to the State.

(Signed) W. H. Lawrence.

Sworn to and subscribed before me this 28th day of September, 1921.

(Signed) W. W. Patton,
Notary Public, Sumter County, Ala.

By Mr. Craft:

S. 54. To repeal an act entitled "an act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts, for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands,

and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved Sept. 30, 1919.

Public Health.

REPORTS OF COMMITTEES.

Mr. Moore, chairman of the Standing Committee on Fish, Game and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Mr. Bedsole, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 42. To amend subdivision one, of section thirteen of an act entitled an act to further suppress the evils of intemperance, to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties, approved Jan. 25, 1919.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on the Revision of the Journal, begs leave to report that said committee, in session, have examined the Journals of the Senate for the

1st, 2nd, 3d, and 4th legislative days and find same contain the proper entries in reference to each bill and resolution contained therein as required by the Constitution.

A. A. Griffith,
Chairman.

COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted, and the Journals of the Senate for the 1st, 2d, 3d and 4th legislative days was approved by the Senate.

BILLS ON THIRD READING.

The bill:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was taken up.

The committee offered the following amendment:

Committee Amendment to Senate Bill No. 30.

Amend Senate bill No. 30 so as to make section 1 thereof read as follows:

"Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the State of Alabama. To this end and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00) to be issued in such denominations, numbers and series, and maturing at such time as may

be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same and which is set apart for the payment of interest on said bonds. Not less than one-quarter of a million dollars of these bonds shall be set aside for each county in the State and the proceeds thereof shall be expended by the State highway commission for and in each county of the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor vehicles which may be used on the public roads, and highways of this State. Such bonds when issued shall be a direct obligation of this State and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever from all taxes of every kind."

Mr. Carmichael offered the following amendment to the amendment:

SENATE AMENDMENT OF SENATE BILL NO. 30

Amend by striking out the following words which appear after the word "bonds", "Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State", and by inserting in lieu thereof the following:

"Not less than \$300,000.00 of these bonds shall be set aside for each county in the State and such an amount only of said bonds shall be sold from time to time as may be necessary to duplicate a like amount appropriated and apportioned to the State of Alabama by Congress and the proceeds of said bonds, when so sold, together with the same so appropriated and apportioned by Congress shall be expended by the State highway commission for and in each county of the State. To create a sinking fund for the prompt and faithful payment of the principal and interest of these bonds and for the construction, maintenance and improvement of such public highways, roads, and bridges the Legislature shall levy a special annual license or privilege tax on all automobiles and on all motor vehicles which may be used on the public roads and highways of the State. Such bonds, when issued shall be a direct obligation of the State and for the

prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged and such bonds shall be exempt forever of all taxes of any kind.

Provided that no bonds shall be issued or sold under this provision to such an amount that the interest thereon and an amount sufficient to create a sinking fund for the payment of the principal of said bonds, so issued and exceed the net amount of vehicle licenses tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds, and for providing a sinking fund for the payment of the principal.

Mr. Smith of Coosa moved to table the amendment offered by Mr. Carmichael to the amendment on which the yea and nay vote was demanded, which was sustained, and the motion to table was lost.

Yeas, 15; Nays, 16.

Yeas:

Messrs:

Bedsole	Craft	McDowell	Sims
Butler	Ellis	Phillips	Smith (Coosa)
Caffey	Espy	Rogers (Lauderdale)	Smith (Lawrence)
Carlton	Kelly	Rogers (Sumter)	—15

Nays:

Messrs:

Acker	Griffith	Miller	Prestwood
Baker	Harper	Moore	Tally
Brown	Huddleston	Morris	Teasley
Carmichael	Leith	Nance	West

—16

The question then recurred on the adoption of the amendment to the amendment.

Yeas, 16; Nays, 16.

Yeas:

Messrs:

Acker	Griffith	Miller	Prestwood
Baker	Harper	Moore	Tally
Brown	Huddleston	Morris	Teasley
Carmichael	Leith	Nance	West

—16

Nays:

Messrs:

Beale	Carlton	Kelly	Rogers (Sumter)
Bedsole	Craft	McDowell	Sims
Butler	Ellis	Phillips	Smith (Coosa)
Caffey	Espy	Rogers (Lauderdale)	Smith (Lawrence)

—16

Which was a tie vote and in accordance with the Constitution the Lieutenant Governor and presiding officer of the Senate, voted yea and the amendment to the amendment was adopted.

LEAVE OF ABSENCE.

On motion of Mr. McDowell leave of absence was granted to Mr. Evins for the balance of the day.

On motion of Mr. Baker leave of absence for the balance of the week was granted Mr. Cowan.

ADJOURNMENT.

On motion of Mr. Morris the Senate at 5:10 P. M. adjourned to meet tomorrow morning at 10 o'clock.

SEVENTH DAY.

Wednesday, October 12, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Little, of the Christian Church.

ROLL CALL.

Present:

Messrs:			
Acker	Craft	Leith	Rogers (Lauderdale)
Baker	Ellis	Miller	Rogers (Sumter)
Beale	Espy	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Brown	Griffith	McDowell	Smith (Lawrence)
Butler	Harper	Nance	Tally
Caffey	Huddleston	Phillips	Teasley
Carlton	Kelly	Prestwood	West
Carmichael			

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JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with.

LEAVE OF ABSENCE.

Mr. McDowell moved that Mr. Huddleston be granted leave of absence for the day, which was granted.

Mr. Bealle asked for a leave of absence for the balance of the week for Mr. Smith of Lawrence, which was granted.

On motion of Mr. Espy he was granted leave of absence until Tuesday.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Tally:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

Penitentiary, Prison and Prison Punishment.

By Mr. West:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Privileges and Elections.

By Mr. Phillips:

S. 57. To divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Judiciary.

By Mr. Espy:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities and municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

Municipalities and Municipal Organizations.

By Mr. Rogers of Sumter:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others to be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

Agriculture.

By Mr. Craft:

S. 60. To amend section 3026 of the Code of Alabama.

Public Roads and Highways.

REPORTS OF COMMITTEES.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted

on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith of Lawrence:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

By Mr. West:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

By Mr. Espy:

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

By Mr. Acker:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate without recommendation, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis (by request):

S. 50. To repeal section 1411 of the Code of Alabama of 1907.

By Mr. Phillips:

S. 27. To repeal section 4½ of an act, entitled an act to provide for the general revenue of the State of Alabama, and approved September 15, 1919.

By Mr. Kelly:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

By Mr. Phillips:

S. 43. To repeal sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 108 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

By Mr. Craft:

S. 31. To authorize and provide for the issuance and sale of the State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Sumter:

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

By Mr. Teasley:

S. 49. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

By Mr. Rogers of Sumter:

S. 47. For the relief of P. B. Jarman of Sumter county, authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

RESOLUTIONS.

Mr. Craft offered the following resolution:

S. J. R. 21. Whereas, a semi-centennial is to be held by the citizens of Birmingham, Alabama, on October 24-29, and

Whereas, the President of the United States has been invited to visit Birmingham, which invitation he has accepted, and

Whereas, Senator Oscar W. Underwood has also been invited and has accepted the invitation, and

Whereas, the great captain of industry, Henry Ford, has also been invited and has accepted the invitation to visit Birmingham, and to participate in the celebration:

Now, therefore, be it resolved by the Senate, the House concurring, that the governor of the State of Alabama, is respectfully requested to extend to the President of the United States, to Senator Oscar W. Underwood, and to the great captain of industry, Henry Ford, a cordial invitation to address a joint session of the Legislature of Alabama during their sojourn in the State of Alabama.

Which was, under a suspension of the rules, adopted, and ordered sent to the House without engrossment.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 22. Whereas, the Senate of Alabama has so mangled the good roads bond amendment as to make it impossible to sell these bonds should the voters approve them, and

Whereas, the House has voted down the good roads amendment, and

Whereas, our stay in the capitol is costing the taxpayers of the State a thousand dollars a day and we are doing no good but harm, now then

Be it resolved by the Senate, the House concurring, that the Legislature do adjourn sine die today at noon.

Which was read one time and referred to the Standing Committee on Rules.

Mr. Rogers of Lauderdale offered the following resolution:

S. J. R. 23. Whereas, the present high freight rates create the greatest barrier to the return of prosperity in Alabama and throughout the entire United States, and

Whereas, the farmer is unable to market the products of the farm and receive a reasonable remuneration therefor, owing to the prohibitive freight rates charged by the railroads, and

Whereas, the demand for homes is unprecedented, but the freight rates on building materials, including lumber, brick and cement combine to make the cost of construction exceed the financial ability of many who would become home builders, and

Whereas, thirty-three per cent of the people of the United States are actively engaged in agricultural pursuits and fifty per cent of the people are dependent upon the products of the farmer for a livelihood and upon the transportation of farm products, therefore,

Be it resolved by the Senate of Alabama, the House concurring, that the Congress of the United States be, and is hereby petitioned to take such action as will materially reduce freight rates on all products, materials, and merchandise shipped by rail from points in one state to points in another state.

Be it further resolved that the Alabama public service commission be and is hereby directed to use all legal and proper means to obtain a reduction in freight rates on all goods and commodities shipped within the State of Alabama.

Be it further resolved, that copies of these resolutions be sent to the Alabama delegation in the Senate and House of Representatives of the United States.

Which was, under a suspension of the rules, adopted, and ordered sent to the House without engrossment.

UNFINISHED BUSINESS.

The unfinished business of the Senate was the further consideration of the bill:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

On motion of Mr. Carmichael, the bill and pending amendments were taken from the calendar and referred to the Standing Committee on Constitution, Constitutional Revision and Amendments by the presiding officer of the Senate.

BILLS ON THIRD READING.

The bill:

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Leith	Prestwood
Beale	Carmichael	Miller	Rogers (Lauderdale)
Bedsole	Craft	Moore	Rogers (Sumter)
Brown	Espy	Morris	Sims
Butler	Griffith	McDowell	Smith (Coosa)
Caffey	Harper	Phillips	Smith (Lawrence)

—24

Nays:—None.

The bill:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county

commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Caffey	Harper	Rogers (Lauderdale)
Baker	Carmichael	Kelly	Rogers (Sumter)
Beale	Craft	Leith	Smith (Coosa)
Bedsole	Ellis	Morris	Tally
Brown	Espy	Phillips	Teasley
Butler	Griffith	Prestwood	West

—24

Nays:—None.

The bill:

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	McDowell
Beale	Carmichael	Huddleston	Phillips
Bedsole	Craft	Leith	Prestwood
Brown	Ellis	Miller	Rogers (Lauderdale)
Butler	Espy	Moore	Rogers (Sumter)
Caffey	Griffith	Morris	Smith (Lawrence)

—24

Nays:—None.

The bill:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Was taken up.

The committee offered the following amendment:

AMENDMENTS BY THE COMMITTEE.

1st. Amend the title of the bill by inserting after the words "any season of the year" the words "to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama."

2nd. Amend the bill by inserting after section 2, section 2½, as follows:

"Section 2½. It shall be unlawful for any person, firm, partnership or corporation to ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to a point beyond the boundary line of the State of Alabama, any raw shrimp or shrimp in the fresh state, which shrimp have been taken in the waters of the State, or the waters subject to the territorial jurisdiction of the State of Alabama."

3rd. Amend the caption and body of the bill by striking out the words "inspection fee" wherever they appear in the caption or body of the bill, and inserting in lieu thereof the word "tax."

4th. Amend the bill by adding section 5½ as follows:

"Section 5½. That it shall be unlawful for any person, firm, partnership or corporation to pack within the State of Alabama any shrimp which have been taken within the waters of this State, or within the waters subject to the territorial jurisdiction of such State, without printing, or stamping, on the label used on the can, or container, in which such shrimp are packed, the following words: 'Packed under the supervision and inspection of the Department of Conservation, State of Alabama.'"

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Beale	Craft	Moore	Rogers (Sumter)
Bedsole	Ellis	Morris	Sims
Butler	Griffith	McDowell	Tally
Caffey	Harper	Nance	West
Carlton	Leith	Phillips	

—23

Nays:—None.

Mr. Carmichael offered the following amendment:

Amend Senate bill No. 29 by inserting immediately after section 2½ of said bill, and immediately before section 3 of said bill, a new section, No. 2¾, to read as follows, to-wit:

"Provided, that residents of any other state whose laws permit residents of Alabama to catch, possess and transport salt

water shrimp in the water subject to the jurisdiction of such state on equal terms with its own residents shall be permitted to catch, possess and transport shrimp in the waters subject to the jurisdiction of this State on equal terms with the residents of Alabama."

Which, on motion of Mr. McDowell, was tabled.

Yeas, 16; Nays, 8.

Yeas:

Messrs:

Bedsole	Craft	McDowell	Rogers (Lauderdale)
Butler	Espy	Nance	Rogers (Sumter)
Caffey	Miller	Phillips	Smith (Coosa)
Carlton	Moore	Prestwood	West

—16

Nays:

Messrs:

Beale	Griffith	Leith	Sims
Carmichael	Harper	Morris	Tally

—8

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 22; Nays, 1.

Yeas:

Messrs:

Beale	Craft	Morris	Rogers (Sumter)
Bedsole	Espy	McDowell	Sims
Butler	Griffith	Nance	Smith (Coosa)
Caffey	Harper	Phillips	Tally
Carlton	Miller	Prestwood	West
Carmichael	Moore		

—22

Nays:

Mr. Leith—1.

SPECIAL ORDER.

On motion of Mr. Ellis, S. 19 was made a special and continuing paramount order for the next legislative day.

ADJOURNMENT.

On motion of Mr. Phillips, the Senate at 12:35 adjourned until tomorrow morning at 10 o'clock.

EIGHTH DAY.

Thursday, October 13, 1921.

The Senate met pursuant to adjournment, with Lieutenant Governor Miller, presiding.

Prayer by Rev. Dr. Stakley, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Baker	Craft	Moore	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Griffith	McDowell	Smith (Coosa)
Butler	Huddleston	Nance	Smith (Lawrence)
Caffey	Kelly	Phillips	Teasley
Carlton	Leith	Prestwood	West

JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with.

RESOLUTION.

Mr. Rogers of Sumter offered the following resolution:

By Mr. Rogers of Sumter:

S. 24. I move that at twelve noon on Tuesday, October 18th, that the Senate bill No. 30, known as the Good Roads Bond Bill, be made a special, continuing paramount order, taking precedence over all other orders until disposed of.

Which was adopted under a suspension of the rules.

REPORTS OF COMMITTEES.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft (with substitute):

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an elec-

tion by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Which was read at length as required by the Constitution.

By Mr. Tompkins:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Which was read at length as required by the Constitution.

Mr. Rogers of Sumter, acting chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 60. To amend section 3026 of the Code of Alabama.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following resolution:

By Mr. Orr:

H. J. R. 21. Resolved by the House, the Senate concurring, that when both houses adjourn tomorrow (Thursday) they adjourn to re-convene next Monday at 2 P. M.

And sends same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Carmichael, the foregoing resolution contained in the foregoing House message was concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 21, relative to the governor extending invitations to the President, Hon.

Oscar W. Underwood, and Hon. Henry Ford, to address a joint session of the Legislature during their sojourn in the State.

And has also concurred in and adopted S. J. R. 23, relative to petitioning Congress to reduce freight rates.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

And sends same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The foregoing House bill in the foregoing message from the House was read one time and referred to the Standing Committee on Public Roads and Highways by the presiding officer of the Senate.

Mr. President:

Your Standing Committee on Engrossed Bills beg leave to report that said committee, in session, have compared the following engrossed bills with the original bills, respectively, and find same correctly engrossed, to-wit:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

Also:

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Also:

S. 35. To repeal an act entitled "An act to further provide for improvment and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and

failures to comply with provisions created under authority of this act."

R. B. Evins,
Chairman.

LEAVE OF ABSENCE.

On motion of Mr. Nance, leave of absence was granted to Mr. Harper until Monday.

On motion of Mr. Bealle, leave of absence was granted to Mr. Brown until Monday.

Mr. McDowell asked for leave of absence for himself until Monday which was granted.

Mr. Baker requested leave of absence for himself until Wednesday, which was granted.

On motion of Mr. Bealle, leave of absence was granted Mr. Cowan for today.

On motion of Mr. McDowell, leave of absence was granted Mr. Evins for the day.

SPECIAL ORDERS.

On motion of Mr. Rogers of Sumter, S. 31 was made a special and continuing paramount order for Tuesday.

Also S. 32 was made a special order for the same day.

BILLS ON THIRD READING.

The bill:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 16; Nays, 8.

Yeas:

Messrs:

Acker

Beale

Bedsole

Butler

Caffey

Carlton

Carmichael

Craft

Griffith

Leith

Miller

Nance

Rogers (Sumter)

Sims

Teasley

West

—16

Nays:

Messrs:

Baker

Ellis

Huddleston

Morris

McDowell

Phillips

Prestwood

Rogers (Lauderdale)

—8

PAIR ANNOUNCED.

Mr. Moore announced that he and Mr. Smith of Coosa were paired on this vote and that if Mr. Smith of Coosa were here he would vote yea and that he, Mr. Moore, would vote nay.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported favorably the following resolution, which, under a suspension of the rules, was adopted:

H. J. R. 10. Whereas, the desolation wrought throughout the entire civilized world, during the ravages of the terrible war, which has paralyzed commerce, impoverished the principal nations of Europe and took terrific toll in blood and carnage of the flower of the young manhood of many of the principal nations of the earth; and

Whereas, this cruel war has visited indescribable hardships upon all the civilized powers and civilized peoples of the earth, from which they will not recover for generations yet to come; and

Whereas, the cost of maintaining great armies and great navies imposes a burden of taxation upon the masses of the people, which during this period of financial depression and readjustment they are unable to bear; and

Whereas, all the nations are eager to obviate war unless their armies and navies are recruited to the maximum strength, large armies and large navies being conducive to war.

Now, therefore, be it resolved by the House, the Senate concurring, that the Senators and Representatives in Congress from the State of Alabama, be and they are hereby most earnestly memorialized and requested to throw the weight of their great influence in behalf of securing the disarmament of the nations of the earth; that is, a substantial reduction in the armies and navies of the civilized nations of the world, and reducing them to the least possible minimum, consistent with their immediate use for maintaining peace, law and order at home; it is our belief that an international agreement, looking to substantial disarmament, will largely prevent wars and will operate towards securing permanent world peace.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on the Revision of the Journal, begs leave to report that said committee, in session, have examined the Journals of the Senate for the 5th, 6th and 7th legislative days and find same contain the proper entries in reference to each bill and resolution contained therein as required by the Constitution.

A. A. Griffith,
Chairman.

COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journal was adopted, and the Jour-

nals of the Senate for the 5th, 6th and 7th legislative days was approved by the Senate.

ADJOURNMENT.

On motion of Mr. McDowell, and in accordance to a joint resolution heretofore adopted, the Senate at 1:25 P. M., adjourned to meet again on Monday, October 17, at 2 P. M.

NINTH DAY.

Monday, October 17, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Wilkinson, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Moore	Sims
Caffey	Evins	Morris	Smith (Coosa)
Carlton	Griffith	Nance	Teasley
Carmichael	Harper	Phillips	Webb
Cowan	Kelly	Prestwood	West

—28

JOURNAL.

On motion of Mr. Rogers of Sumter, the reading of the Journal of yesterday was dispensed with.

PRIVILEGES OF THE FLOOR.

On motion of Mr. Carlton, the privileges of the floor for the day were granted his brother.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Mr. Ellis:

S. 61. To provide for the protection and preservation of the cemetery at Cahaba, the first capital of the State.

Finance and Taxation.

By Mr. Craft:

S. 62. For the relief of telephone and telegraph companies operating in Alabama; and to require the State auditor to refund

the net interest paid by such companies into the State treasury on their corporate franchise tax based on capital stock for the years 1911 to 1919, inclusive; and to require the several county treasurers, or other proper officer of the various counties of Alabama, to refund the net interest paid by such companies into the county treasuries on their corporate franchise tax based on capital stock for the years 1911 to 1919, inclusive.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Phillips, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 51. To provide that any dentist or dental surgeon who is a graduate of any recognized school of dentistry shall be entitled to practice dentistry, or dental surgery in Alabama upon the presentation to the board of dental examiners of the State of Alabama satisfactory evidence of his being such graduate, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons, practicing their profession in the State of Alabama.

Mr. Cowan, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 54. To repeal an act entitled "An act to promote public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population

of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved Septmeber 30, 1919.

BILLS ON THIRD READING.

The bill:

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Carlton	Evins	Morris	Smith (Coosa)
Carmichael	Griffith	Nance	Teasley
Cowan	Harper	Phillips	West

—24

Nays:—None.

The bill:

S. 47. For the relief of P. B. Jarman of Sumter county authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Lauderdale)
Bedsole	Espy	Miller	Rogers (Sumter)
Carlton	Evins	Morris	Smith (Coosa)
Carmichael	Griffith	Nance	Teasley
Cowan	Harper	Phillips	West

—24

Nays:—None.

The bill:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Prestwood
Beale	Craft	Leith	Rogers (Lauderdale)
Bedsole	Ellis	Miller	Rogers (Sumter)
Caffey	Espy	Moore	Sims
Carlton	Evins	Morris	West
Carmichael	Griffith	Nance	

—23

Nays:—None.

The bill:

S. 60. To amend section 3026 of the Code of Alabama.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Lauderdale)
Caffey	Espy	Miller	Rogers (Sumter)
Carlton	Evins	Morris	Sims
Carmichael	Griffith	Nance	Smith (Coosa)
Cowan	Harper	Phillips	West

—24

Nays:—None.

The bill:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns and municipalities and the inhabitants thereof, and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

Was taken up.

Mr. Prestwood offered the following amendment:

Amend section 216½ of section one (1) of Senate bill No. 11 by inserting right after the words "of the taxable property there-

in" and just before the words "The funds or proceeds of such special levy"—the following words:

"Provided, that before said levy shall be made the issue of whether or not said additional levy shall be made must first be submitted to the qualified electors of said city or town at an election called for said purpose, or at a general election of said city or town, and a majority of the qualified electors voting at said election votes in favor of said additional levy for the purposes herein named."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Lauderdale)
Caffey	Espy	Miller	Rogers (Sumter)
Carlton	Evins	Morris	Sims
Carmichael	Griffith	Nance	Smith (Coosa)

—24

Nays:—None.

Mr. Prestwood offered the following amendment:

Amend section 3 of Senate bill No. 11 by inserting right after the words "the taxable property therein" and just before the words "the funds or proceeds of such special levy" the following words:

"Provided that before said levy shall be made the issue of whether or not said additional levy shall be made must first be submitted to the qualified electors of said city or town at an election called for said purpose or at a general election of said city or town and a majority of the qualified electors voting at said election vote in favor of said additional levy for the purpose herein named."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Prestwood
Beale	Craft	Kelly	Rogers (Lauderdale)
Bedsole	Ellis	Leith	Rogers (Sumter)
Caffey	Espy	Miller	Sims
Carlton	Evins	Nance	Smith (Coosa)
Carmichael	Griffith	Phillips	West

—24

Nays:—None.

Mr. Sims offered the following amendment:

Amendment to Senate bill No. 11:

Amend Senate bill No. 11 by adding at the end of section 1 the words "This amendment shall not apply to any city, town or

municipal corporation now authorized to levy a tax in excess of one per centum on the taxable property therein."

Also amend section 3 of the bill by adding after the words "as the Legislature may by law authorize" the following words "This amendment shall not apply to any city, town or municipal corporation now authorized to levy a tax in excess of one per centum on the taxable property therein."

Which was adopted.

Yeas, 24; Nays, 1.

Yeas:

Messrs:

Acker	Cowan	Harper	Prestwood
Beale	Craft	Kelly	Rogers (Lauderdale)
Bedsole	Ellis	Miller	Sims
Caffey	Espy	Morris	Smith (Coosa)
Carlton	Evins	Nance	Teasley
Carmichael	Griffith	Phillips	West

—24

Nays:

Mr. Leith—1.

And the bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 26; Nays, 1.

Yeas:

Messrs:

Acker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Bedsole	Espy	Nance	Smith (Coosa)
Caffey	Evins	Phillips	Teasley
Carlton	Griffith	Prestwood	Webb
Carmichael	Harper	Rogers (Lauderdale)	West
Cowan	Kelly		

—26

Nays:

Mr. Leith—1.

The bill:

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Was taken up.

Mr. Prestwood offered the following amendment:

Amend section H of the bill by inserting after the word "that" and before the words "no license" the following words, viz.: "from and after October 1, 1921."

Which was adopted.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Bedsole	Cowan	Ellis
Beale	Carmichael	Craft	Espy

Evins	Leith	Phillips	Rogers (Sumter)
Griffith	Miller	Prestwood	Sims
Harper	Morris	Rogers (Lauderdale)	Webb
Kelly	Nance		

—22

Nays:—None.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.
Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Leith	Rogers (Lauderdale)
Beale	Espy	Miller	Rogers (Sumter)
Bedsole	Evins	Morris	Sims
Carlton	Griffith	Nance	Teasley
Carmichael	Harper	Phillips	Webb
Cowan	Kelly	Prestwood	West
Craft			

—25

Nays:—None.

The bill:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

Was taken up.

Mr. Tally offered the following amendment:

(1) Amend section No. 3 of Senate bill No. 15, lines 1, 2, 3, 4, 5, 6, and 7, to read as follows:

“Section 3. That section 29, of the Code of Alabama, 1907, be amended by an act approved April 8, 1911, be and the same is hereby amended so as to read as follows: Section 29, (383) Disposition of surplus at the end of each fiscal year and how credit given therefor. All tags remaining in the hands of the commissioner of agriculture and industries at the end of the fiscal year, September 30, 1921, and at the end of each fiscal year thereafter must be checked and counted by or under.”

(2) Amend section 4, of Senate bill 15, after the words “guilty of perjury” in line 18 of the section, to read as follows: “There shall be a different color for each of the denominations and series provided for, and there shall not be printed upon said tags any brand, name or analysis. Any sale or exchange of fertilizers not so tagged, is void.”

(3) Amend Senate bill 15 by adding at the end thereof sections 5 and 6 to read as follows:

“Section 5. That this act shall take effect immediately upon its passage and approval by the governor.”

Section 6. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed."

Which was adopted.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Caffey	Evins	Morris	Smith (Coosa)
Carlton	Griffith	Nance	Webb
Carmichael	Harper	Phillips	West

—24

Nays:—None.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Prestwood
Beale	Ellis	Leith	Rogers (Sumter)
Bedsole	Espy	Miller	Sims
Caffey	Evins	Morris	Smith (Coosa)
Carmichael	Griffith	Nance	Webb
Cowan	Harper	Phillips	West

—24

Nays:—None.

UNFINISHED BUSINESS.

The bill:

S. 7. Providing for actions against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up as unfinished business.

Mr. Leith offered the following amendment:

"Amend the substitute to said bill by striking out the words "defendants" where the same appears in said bill."

And said amendment on motion of Mr. Acker was tabled.

Yeas, 16; Nays, 8.

Yeas:

Messrs:

Acker	Carlton	Evins	Rogers (Sumter)
Beale	Carmichael	Miller	Sims
Bedsole	Cowan	Phillips	Smith (Coosa)
Caffey	Espy	Prestwood	West

—16

Nays:

Messrs:

Ellis	Harper	Morris	Teasley
Griffith	Leith	Nance	Webb

—8

On motion of Mr. Carmichael, the above bill and substitute was postponed for further consideration until the next legislative day immediately upon call of bills for passage.

Mr. Carmichael also moved, and motion was carried, that Senate bills 30, 31 and 32 be made special and continuing paramount order for 12 M. on the next legislative day.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution and ordered same sent forthwith to the Senate without engrossment:

By Mr. Benners:

H. J. R. 26. Be it resolved by the House, the Senate concurring, that the two houses accept the attached invitation of the Birmingham Semi-Centennial Committee to visit Birmingham on President's Day, October 26th, 1921, and that the two houses adjourn that day for the purpose of such visit for such hours as may be agreed upon:

October 13, 1921.

The Legislature of Alabama,
Montgomery, Ala.

Gentlemen:

By the direction of our executive committee, I take a great deal of pleasure in extending to you a cordial invitation to attend our semi-centennial at any time that may suit your convenience, during the week—October 24-29.

We would especially be glad for you to attend in a body on the President's Day, Wednesday, October 26. We would appreciate your being in the parade, if you wish, and you will have an opportunity to hear the President's address at Capitol Park, attend the luncheon in his honor at 1:00 P. M., at the Tutwiler Hotel, attend our fashion show in the afternoon, and our pageant at night. We would be glad to furnish without expense to you tickets to the luncheon, the fashion show, and the pageant. The day will be filled with other interesting events. The President will receive the honor of a LL. D. degree from the Birmingham-Southern College and will also participate in the function of laying the corner stone of the new Masonic building. At both places he will make addresses, as well as at the luncheon and Capitol Park.

We trust that you will come and help us to make this celebration, not only worthy of Birmingham, but also of our State.

Yours very sincerely,
Sydney J. Bowie,
General Chairman.
Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. West, the House joint resolution contained in the foregoing House message was adopted.

BILLS ON THIRD READING RESUMED.

The bill:

S. 49. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Harper	Phillips
Beale	Craft	Kelly	Prestwood
Bedsole	Ellis	Leith	Rogers (Sumter)
Caffey	Espy	Miller	Smith (Coosa)
Carlton	Evins	Morris	Teasley
Carmichael	Griffith	Nance	West

—24

Nays:—None.

The bill:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 22; Nays, 1.

Yeas:

Messrs:

Acker	Espy	Nance	Sims
Bedsole	Evins	Phillips	Smith (Coosa)
Caffey	Griffith	Prestwood	Teasley
Carmichael	Harper	Rogers (Lauderdale)	Webb
Cowan	Miller	Rogers (Sumter)	West
Ellis	Morris		

—22

Nays:

Mr. Leith—1.

The bill:

S. 27. To repeal section 41½ of an act entitled an act to provide for the general revenue of the State of Alabama, and approved September 15, 1919.

Was read a third time at length and lost.
Yeas, 10; Nays, 13.

Yeas:

Messrs:

Craft	Leith	Prestwood	Smith (Coosa)	
Harper	Morris	Rogers (Lauderdale)	Webb	
Kelly	Phillips			—10

Nays:

Messrs:

Acker	Carmichael	Evins	Nance	
Beale	Cowan	Griffith	Sims	
Bedsole	Espy	Miller	West	
Caffey				—13

LEAVE OF ABSENCE.

Mr. Phillips was granted a leave of absence for tomorrow.

ADJOURNMENT.

On motion of Mr. Smith of Coosa, the Senate at 4:15 adjourned to meet tomorrow at 10:30 A. M.

TENTH DAY.

Tuesday, October 18, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Spraggins, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Griffith	Nance	Teasley
Caffey	Harper	Phillips	Webb
Carlton	Kelly	Prestwood	West
Carmichael			

—33

JOURNAL.

On motion of Mr. Carmichael, the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Prestwood:

S. 63. To amend section 12 of an act "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

Finance and Taxation.

By Mr. Miller:

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

Finance and Taxation.

By Mr. Carmichael:

S. 65. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama and for the Tenth Congressional District of Alabama.

Education.

REPORTS OF COMMITTEES.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 33. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general election an amendment to the Constitution of the State of Alabama, whereby the municipal corporation of Mobile, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporation at election to be held for such purpose, and to provide for such elections.

(Which was read at length as required by the Constitution.)

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit: By Mr. Phillips:

S. 48. To propose an amendment to section 48 of the Constitution of Alabama and to order an election by the qualified electors of the State upon such proposed amendment, to be held at the general election, next succeeding this special session of the Legislature.

(Which was read at length as required by the Constitution.)

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Sumter:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Griffith, chairman of the Standing Committee on the Revision of the Journal, begs leave to report that said committee, in session, have examined the Journals of the Senate for the 8th and 9th legislative days and find same contain the proper entries in reference to each bill and resolution contained therein as required by the Constitution.

A. A. Griffith,
Chairman.

COMMITTEE REPORT.

On motion of Mr. Griffith, the foregoing report from the Committee on Revision of the Journals was adopted, and the Journal of the Senate for the 8th and 9th legislative days was approved by the Senate.

RESOLUTION.

Mr. McDowell offered the following resolution relating to the amendment of the rate making sections of the National Inter-

state Commerce Act as amended by the Transportation Act of 1920 known as the Esch-Cummings Bill:

S. J. R. 25. Whereas, the Interstate Commerce Commission under authority claim to have been conferred upon it by the Transportation Act of 1920 has made orders advancing the railroad rates applicable to intrastate transportation in twenty-four states in disregard of state laws and orders of state commissions and has instituted investigations upon the petitions of carriers which are now in progress looking towards the advancing of railroad rates and express rates in several other states, and

Whereas, the Interstate Commerce Commission has attempted to make rates according to what is known as the Group Plan of rate making and have asserted the power under said plan to raise rates within one state to make deficits in earnings incurred in other states, and

Whereas, unjust and unreasonable rates have thereby been imposed upon the public, and

Whereas, the people of the several states under the Interstate Commerce Act as amended, as interpreted and administered by the Interstate Commerce Commission have been deprived of their accustomed powers of self-government:

Therefore, be it resolved by the Senate, the House concurring, that we urge upon Congress immediate legislation at the present session which shall so amend the Interstate Commerce Act as to make clear and absolute the right of the states to regulate rates and service applicable to transportation wholly within their own borders, and

Resolved further, that as an aid in the construction of the Interstate Commerce Act by the commission and the courts, Congress is requested to incorporate in such amendatory legislation a declaration of the purpose of Congress to recognize the right of the several states to exercise full and final jurisdiction over transportation wholly within their own borders.

Resolved further, that a copy of these resolutions be forwarded to each Senator and Congressman from Alabama.

Which was, under a suspension of the rules, adopted.

RESOLUTION.

Mr. West offered the following resolution:

S. R. 26. Whereas, the Mobile Register is now, and was during the regular session of 1919 and the special session of 1920, placed on the desk of each and every Senator every day gratis during said sessions;

Therefore, be it resolved by the Senate, that we deeply appreciate this courtesy on the part of the management of said paper;

Resolved further, that the Secretary of the Senate be and he

is hereby instructed to forward to said paper a copy of this resolution.

Which was adopted, under suspension of the rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills, and send same herewith to the Senate:

By Mr. Dunnaway:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

Also:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Also:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

With notice and proof attached, exhibited as follows:

NOTICE OF LOCAL LAW.

State of Alabama, }
Talladega County. }

To Whom It May Concern:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the special session thereof soon to convene, and of the intention to have said bill passed and enacted at said session, the substance, essential and material parts thereof, and the bill in full as part of this notice being as follows:

"AN ACT"

"To provide for a judge of the county court of Talladega county, Alabama, fix his compensation and to provide for the payment of the same. Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the judge of probate of Talladega county, Alabama, shall be ex-officio judge of the county court, and shall be paid out of the county treasury an annual salary of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensation allowed by law to such judge for services rendered in and about such county court, the payment of such salary to be by warrant of such judge drawn on the treasurer of the county on the first of each month."

The State of Alabama, }
Talladega County. }

Personally appeared before me, E. A. Hammett, judge of probate, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the editor of the Talladega Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 4th, 1921; August 11th, 1921; August 18th, 1921; and August 25th, 1921.

Subscribed and sworn to before me this 3rd day of October, 1921.

(Seal)

Luther Fowler.
E. A. Hammett,
Judge of Probate.

Also:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

With notice and proof attached hereto and exhibited as follows:

NOTICE.

Notice is hereby given that the undersigned will introduce in the Legislature of Alabama at a special session thereof to be held in the year 1921 the following local act, to-wit:

AN ACT

To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of county treasurer for Lauderdale county is hereby created.

Section 2. That at the general election held in this State in November, 1922, and each four years thereafter, there shall be elected by the qualified electors of the county, a county treasurer for Lauderdale county, who shall hold office for four years from the first Monday after the second Tuesday in January, next after his election, and until his successor is elected and qualified.

Section 3. That the salary of the county treasurer shall be one thousand eighteen hundred (\$1,800) dollars per annum, payable monthly out of the county treasury, upon the warrant of the judge of probate drawn upon the county treasurer of said county.

Section 4. That it shall be the duty of the Governor, upon the approval of this act, to appoint a county treasurer for Lauderdale county who shall hold office until the county treasurer, who shall be elected at the next general election, shall be elected and qualified, and the salary and duties of the county treasurer so appointed shall be the same as provided by this act.

Section 5. That Chapter 12 of the Code of Alabama, 1907, shall in all things apply to and govern the county treasurer appointed or elected under this act, when not in conflict with the provisions hereof.

Section 6. That all laws and parts of laws, general, local or special, insofar as they are in conflict with the provisions hereof, are hereby repealed.

S. E. McDonald,
Representative for Lauderdale County.

The State of Alabama, }
Lauderdale County. }

Before me, A. A. Williams, a notary public in and for the State and county aforesaid, personally appeared J. C. Smith, who being by me duly sworn, deposes as follows:

My name is J. C. Smith; I am editor and proprietor of The Florence Herald, a weekly newspaper published at Florence in Lauderdale county, Alabama. That the notice of the bill proposed to be introduced in the Legislature of Alabama creating the office of county treasurer for said Lauderdale county, and which notice is hereto attached, was published in The Florence Herald for four consecutive weeks beginning with the issue of July 8th, 1921, also in issues of July 15, July 22 and July 29, 1921.

J. C. Smith,
Editor and Publisher.

Subscribed and sworn to before me this September 30th, 1921.

A. A. Williams,
Notary Public.

Also:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The foregoing House bills in the foregoing House message were read one time and referred to appropriate standing committees as follows by the President of the Senate:

H. 19, 50 and 78 to the Committee on Finance and Taxation.

H. 34 and 47 to the Committee on Local Legislation.

H. 68 to the Committee on Revision of Laws.

UNFINISHED BUSINESS.

The bill:

S. 7. Providing for actions against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up as unfinished business.

The committee offered the following substitute:

Committee substitute for Senate bill No. 7:

A BILL

To be entitled an act providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof:

Be it enacted by the Legislature of Alabama:

Section 1. An action or suit may be maintained by or against any unincorporated organization or association in the name of such unincorporated organization or association.

Section 2. Actions or suits may be maintained against any unincorporated organization or association for any cause of action for or upon which the plaintiff therein may maintain such an action against the members of such organization or association.

Section 3. Service of process in such actions against such organizations or associations may be had by service upon any officer or official member of such organization or association, or upon any officer or official member of any branch or local of such organization or association.

Section 4. Such organization or association shall be suable in any action now pending, or any action now existing or hereafter arising. Such action may be maintained in any county where such organization or association does business or has in existence a branch or local organization.

Section 5. Where a judgment in such actions is rendered in favor of the plaintiff against such organizations or associations the property of such organization or association shall be liable to the satisfaction of such judgment, but there shall be no liability against the persons or property of the individuals composing such organization or association unless such individuals have been made parties defendant to such action.

Section 6. In case for any reason any paragraph or any provision of this act shall be questioned in any court of last resort and shall be held by such court to be unconstitutional, or invalid, the same shall not be held to affect any other paragraph or provisions of this act.

Section 7. The provisions of this act shall take effect immediately upon its approval by the Governor.

Mr. Acker offered the following amendment to the substitute:

Amendment to committee substitute for Senate bill No. 7:

Amend section 5 of the substitute by striking out of said section all of said section after the words "of such judgment."

Which was adopted.

Mr. Phillips offered the following amendment to the substitute:

Amend substitute for said bill by striking out section five (5).

Which was adopted.

Yeas, 17; Nays, 14.

Yeas:

Messrs:

Baker	Espy	McDowell	Smith (Coosa)
Bedsale	Griffith	Nance	Teasley
Brown	Harper	Phillips	Webb
Craft	Leith	Rogers (Lauderdale)	West
Ellis			

—17

Nays:

Messrs:

Acker	Carlton	Miller	Rogers (Sumter)
Beale	Cowan	Morris	Sims
Butler	Evins	Prestwood	Tally
Caffey	Kelly		

—14

On motion of Mr. Teasley the bill and all pending amendments were indefinitely postponed.

Yeas, 20; Nays, 12.

Yeas:

Messrs:

Baker	Craft	Leith	Rogers (Lauderdale)
Beale	Ellis	Morris	Smith (Coosa)
Bedsale	Espy	McDowell	Teasley
Brown	Griffith	Nance	Webb
Carmichael	Harper	Phillips	West

—20

Nays:

Messrs:

Acker	Carlton	Kelly	Rogers (Sumter)
Butler	Cowan	Miller	Sims
Caffey	Evins	Prestwood	Tally

—12

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate joint resolution number 25 relating to the amendment of the rate making sections of the National Interstate Commerce Act, as amended by the Transportation Act of 1920, known as the Esch-Cummins Bill.

And returned the same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate:

By Mr. Austin:

H. J. R. 27. Be it resolved by the House, the Senate concurring, that:

Whereas, the development and utilization of the immense water power on the Tennessee river is among the most important matters now before the people of the United States, and will result in great benefit to the people of the United States and especially to all the people of Alabama; and whereas Henry Ford of the state of Michigan has made a proposition to the United States government to take over and complete the project undertaken by the United States government during the war to develop and utilize this immense water power of the Tennessee river at Muscle Shoals, Alabama; and whereas, it is almost, if not quite, the universal opinion of the people of Alabama that Mr. Ford's proposition to take over and develop and utilize this power is both bona fide and feasible.

Therefore, be it resolved, that the Legislature of Alabama hereby memorializes the Congress of the United States and the war department thereof to accept the proposition of Mr. Ford and to authorize him by an act of Congress and by contract with the war department of the United States to take over the government's project at Muscle Shoals on the Tennessee river; and to develop and utilize the water power for the benefit of the people of the United States as may be provided for by the act of Congress and contract between Mr. Ford and the war department of the United States government.

Be it further resolved, that a copy of these resolutions be sent to each of the two houses of Congress, to the Secretary of the War Department, and to each of the Senators and Representatives of the State of Alabama.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The resolution as set out in the foregoing House message was read one time and referred to the Standing Committee on Rules.

BILLS ON THIRD READING.

The bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval

services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was taken up.

Mr. Carmichael offered the following amendment:

Amend said proposed amendment to the Constitution where it appears in sections one and three of the bill by striking out the words "from and after the twenty-ninth day of December, 1919, and shall qualify all persons who come within the protection of this amendment who were otherwise qualified electors except for the non-payment of poll tax to vote and hold office in this State from and after the twenty-ninth day of December, 1919, until October first, 1923," so that proposed amendment to the Constitution shall read as follows:

"Section 194½. No person who honorably served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama prior to October 1, 1923; such persons shall be exempt from the payment of all poll taxes which have or may hereafter accrue prior to October 1, 1923. This section shall be self executing and retroactive. The judges of probate shall issue certificates of exemption from the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor."

Which was adopted.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Brown	Espy	McDowell	Tally
Butler	Evins	Phillips	Teasley
Caffey	Griffith	Prestwood	West
Carlton	Harper		

—30

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 30; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Brown	Espy	McDowell	Tally
Butler	Evins	Phillips	Webb
Caffey	Griffith	Prestwood	West
Carlton	Harper		

—30

Nays:—None.

RECESS.

On motion of Mr. Rogers of Sumter, the Senate at 1 P. M., recessed until this afternoon at 2:30.

AFTERNOON SESSION.

Tuesday, October 18, 1921.

The Senate re-assembled at 2:30 with Lieutenant Governor Miller, presiding.

On a call of the roll, 28 Senators answered to their names, a quorum of the Senate.

BILLS ON THIRD READING.

The bill:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was taken up.

The committee offered the following substitute:

Committee substitute for Senate bill No. 30:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to construct, im-

prove, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum payable semi-annually and shall be sold at a price not less than the par value thereof, provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year, preceding the issuance of same and which is set apart for the payment of interest on said bonds. Not less than one quarter of a million dollars of the proceeds of these bonds shall be expended by the State Highway Commission for the benefit of each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and

credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

"Section 1. The State is authorized to engage in the construction, improvement, repair, and maintenance of public roads, highways, and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00) to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six percentum per annum, and shall be sold at a price not less than the par value thereof, provided that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same and which is set apart for the payment of interest on said bonds. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be expended by the State Highway Commission for the benefit of each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes.....

"No.....

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Mr. Carmichael offered the following amendment to the committee substitute:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and also to issue and sell interest bearing negotiable State bonds, in an amount not exceeding the sum of twenty-five million

(\$25,000,000.00) dollars, to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; and such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided that no bonds shall be issued or sold under this provision to such an amount that the interest thereon and an amount sufficient to create a sinking fund for the payment of the principal of such bonds so issued will exceed the net amount of motor vehicle license tax collected for the year preceding the issuance of the said bonds which said license tax when collected is hereby set apart for the payment of the interest on said bonds and the sinking fund so created.

Eight million two hundred and fifty thousand dollars of the bonds hereby authorized may be sold by the State Highway Commission or by any other legally authorized agent of the State without waiting for the same to be matched by Federal funds, and the money thus derived shall be used to reimburse those counties of the State the money advanced or lent by them to the State Highway Commission, and to construct, improve, repair or maintain public roads, highways and bridges at the will and discretion of the State Highway Commission. Not less than two hundred and fifty thousand dollars (\$250,000.00) of the bonds shall be set aside for each county in the State, the same to be sold and the proceeds expended by the State Highway Commission, or by any other authorized agency of the State for the use of and in said county. Provided, however, that in the apportionment of bonds to the various counties of the State, those counties that have already received aid from the State Highway Commission since October 1, 1919, shall receive only such amounts, as when added to the sum total already received, will aggregate two hundred and fifty thousand dollars (\$250,000.00) of State aid.

The bonds to which any such counties would be entitled, but for said advancements, shall be sold in such amounts as may be necessary to duplicate like amounts appropriated by the Congress of the United States and apportioned to the State for road building, and the proceeds from the sale of said bonds together with a like amount of funds as shall be applied by the State Highway Commission, or by other legally authorized officers of the State to the construction, improvement, repair or maintenance of the public roads, highways and bridges of the State in such county according to the judgment and discretion of the State Highway Commission or other legally authorized agent or officer of the State.

The bonds so set aside to the various counties of the State shall be sold from time to time only when necessary to duplicate money appropriated by the Congress of the United States and

apportioned to the State of Alabama for road building. To create a sinking fund for the prompt and faithful payment of interest on all of the bonds hereby authorized and for the construction, maintenance and improvement of public roads, highways and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles and on all other motor propelled vehicles, which may be used on the public roads and highways of the State.

The restrictions and limitations as to the time when and the conditions under which the said bonds shall be issued and the application of the proceeds thereof as herein provided shall in no way affect the validity of said bonds, but the bonds when issued shall be a direct obligation of the State for the prompt and faithful payment of which, together with interest, the full faith and credit of the State is hereby irrevocably pledged. They shall be exempt forever from the payment of all taxes.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

ARTICLE XX.

Section 1. The State is authorized to engage in the construction, improvement, repair, and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and also to issue and sell interest bearing negotiable State bonds, in an amount not exceeding the sum of twenty-five million (\$25,000,000.00) dollars, to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; and such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold under this provision to such an amount that the interest thereon and an amount sufficient to create a sinking fund for the payment of the principal of such bonds so issued will exceed the net amount of motor vehicle license tax collected for the year preceding the issuance of the said bonds which said license tax when collected is hereby set

apart for the payment of the interest on said bonds and the sinking fund so created.

Eight million two hundred and fifty thousand dollars of the bonds hereby authorized may be sold by the State Highway Commission or by any other legally authorized agent of the State without waiting for the same to be matched by Federal funds, and the money thus derived shall be used to reimburse those counties of the State the money advanced or lent by them to the State Highway Commission, and to construct, improve, repair or maintain public roads, highways and bridges at the will and discretion of the State Highway Commission. Not less than two hundred and fifty thousand dollars (\$250,000.00) of the bonds shall be set aside for each county in the State, the same to be sold and the proceeds expended by the State Highway Commission, or by any other authorized agency of the State for the use of and in said county. Provided, however, that in the apportionment of bonds to the various counties of the State, those counties that have already received aid from the State Highway Commission shall receive only such amounts, as when added to the sum total already received will aggregate two hundred and fifty thousand dollars (\$250,000.00) of State aid.

The bonds to which such counties would be entitled, but for said advancements, shall be sold in such amounts as may be necessary to duplicate like amounts appropriated by the Congress of the United States and apportioned to the State for road building, and the proceeds from the sale of said bonds shall be applied by the State Highway Commission, or by any other legally authorized officers of the State to the construction, improvement, repair or maintenance of the public roads, highways, and bridges of the State, according to the judgment and discretion of the State Highway Commission or other legally authorized agent or officer of the State.

The bonds so set aside to the various counties of the State shall be sold from time to time only when necessary to duplicate money appropriated by the Congress of the United States and apportioned to the State of Alabama for road building. To create a sinking fund for the prompt and faithful payment of interest on all of the bonds hereby authorized and for the construction, maintenance and improvement of public roads, highways and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles and on all other motor propelled vehicles, which may be used on the public roads and highways of the State.

The restrictions and limitations as to the time when and the conditions under which the said bonds shall be issued and the application of the proceeds thereof as herein provided shall in no way affect the validity of said bonds, but the bonds when issued

shall be a direct obligation of the State, for the prompt and faithful payment of which, together with interest, the full faith and credit of the State is hereby irrevocably pledged. They shall be exempt forever from the payment of all taxes.

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Which was tabled.

Yeas, 19; Nays, 11.

Yeas:

Messrs:

Beale	Cowan	Kelly	Sims	
Brown	Craft	McDowell	Smith (Coosa)	
Butler	Ellis	Phillips	Webb	
Caffey	Espy	Rogers (Lauderdale)	West	
Carlton	Evins	Rogers (Sumter)		—19

Nays:

Messrs:

Acker	Griffith	Morris	Tally	
Beisole	Harper	Nance	Teasley	
Carmichael	Miller	Prestwood		—11

Mr. Teasley offered the following amendment to the committee substitute:

Substitute for Senate bill No. 30 amending the Constitution:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to construct, improve,

repair and maintain public roads, highways and bridges in the State of Alabama; to this end and for this purpose the State is authorized to appropriate funds; and for the purpose of securing Federal aid in the construction of roads, highways and bridges to authorize the State to issue and sell from time to time negotiable and interest bearing bonds to an amount not to exceed twenty-five million dollars (\$25,000,000.00); and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed and an election is hereby ordered by the qualified electors of the State upon such proposed amendment and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and for the purpose of securing Federal aid in the construction of said roads, highways and bridges the State is hereby authorized to issue and sell from time to time negotiable and interest bearing bonds not to exceed twenty-five million dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time as may be provided for by law; but such bonds shall not bear a greater rate of interest than five per centum per annum payable semi-annually, and shall not be sold for less than the par value thereof and accrued interest; the amount of said bonds issued during any one year shall not exceed the amount of Federal aid available to the State for the same period. Not less than one-quarter of a million dollars of the proceeds of said bonds shall be expended by the State Highway Commission for and in each county of the State. Not more than five per cent of the proceeds of said bonds shall be used for administrative purposes or otherwise than for the actual construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public roads, highways and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor vehicles which

may be used on the public roads and highways of this State. The restrictions and limitations as to the purposes, time of issuance and applications of the proceeds thereof herein provided shall in no way affect the validity of said bonds, and when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind.

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the Governor which shall be published in one newspaper once a week in each county in the State for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

"Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and for the purpose of securing Federal aid in the construction of said roads, highways and bridges the State is hereby authorized to issue and sell from time to time negotiable and interest bearing bonds not to exceed twenty-five million dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time as may be provided for by law; but such bonds shall not bear a greater rate of interest than five per centum per annum payable semi-annually, and shall not be sold for less than the par value thereof and accrued interest; the amount of said bonds issued during any one year shall not exceed the amount of Federal aid available to the State for the same period. Not less than one-quarter of a million dollars of the proceeds of said bonds shall be expended by the State Highway Commission for and in each county of the State. Not more than five per cent of the proceeds of said bonds shall be used for administrative purposes or otherwise than for the actual construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public roads, highways and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor vehicles which may be used on the public roads and highways of this State. The restrictions

and limitations as to the purposes, time of issuance and applications of the proceeds thereof, herein provided shall in no way affect the validity of said bonds, and when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross mark made by him or her or under their direction opposite the word expressing their desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials, as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the Secretary of State, and counted in the same manner as in elections for representatives to the Legislaturé; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by proclamation of the Governor.

Which was tabled.

Yeas, 21; Nays, 8.

Yeas:

Messrs:

Acker	Craft	Miller	Sims
Beale	Ellis	McDowell	Smith (Coosa)
Brown	Espy	Phillips	Tally
Butler	Evins	Rogers (Lauderdale)	Webb
Caffey	Kelly	Rogers (Sumter)	West
Cowan			

—21

Nays:

Messrs:

Carmichael	Harper	Morris	Prestwood
Griffith	Leith	Nance	Teasley

—8

Mr. Prestwood offered the following amendment to the substitute:

"Amend the amendment offered by the committee to Senate bill No. 30 by striking out the words 'one-quarter of a million'

wherever they appear and insert in lieu thereof the words 'three hundred thousand.' "

Which was tabled.

Yeas, 20; Nays, 10.

Yeas:

Messrs:

Acker	Caffey	Evins	Rogers (Sumter)
Beale	Cowan	Kelly	Sims
Bedsole	Craft	McDowell	Smith (Coosa)
Brown	Ellis	Phillips	Webb
Butler	Espy	Rogers (Lauderdale)	West

—20

Nays:

Messrs:

Carmichael	Leith	Nance	Tally
Griffith	Miller	Prestwood	Teasley
Harper	Morris		

—10

Mr. Acker offered the following amendment to the substitute: "Amend sections one and three by adding in each section after the words 'taxes of every kind' where said words occur in each of said sections the following words, viz.: 'Not more than twenty-five million dollars of bonds shall ever be issued by the State under the provisions of this amendment.' "

Which was adopted.

Yeas, 23; Nays, 8.

Yeas:

Messrs:

Acker	Carlton	Kelly	Sims
Beale	Cowan	McDowell	Smith (Coosa)
Bedsole	Craft	Nance	Tally
Brown	Ellis	Phillips	Webb
Butler	Espy	Rogers (Lauderdale)	West
Caffey	Evins	Rogers (Sumter)	

—23

Nays:

Messrs:

Carmichael	Harper	Miller	Prestwood
Griffith	Leith	Morris	Teasley

—8

The question then recurred on the adoption of the substitute by the committee which was adopted.

Yeas, 23; Nays, 8.

Yeas:

Messrs:

Acker	Carlton	Kelly	Sims
Beale	Cowan	McDowell	Smith (Coosa)
Bedsole	Craft	Nance	Tally
Brown	Ellis	Phillips	Webb
Butler	Espy	Rogers (Lauderdale)	West
Caffey	Evins	Rogers (Sumter)	

—23

Nays:

Messrs:

Carmichael
GriffithHarper
LeithMiller
MorrisPrestwood
Teasley

—8

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.
Yeas, 24; Nays, 7.

Yeas:

Messrs:

Acker
Beale
Bedsole
Brown
Butler
CaffeyCarlton
Cowan
Craft
Ellis
Espy
EvinsHarper
Kelly
McDowell
Nance
Phillips
Rogers (Lauderdale)Rogers (Sumter)
Sims
Smith (Coosa)
Tally
Webb
West

—24

Nays:

Messrs:

Carmichael
GriffithLeith
MillerMorris
Prestwood

Teasley

—7

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

And ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The bill in the foregoing House message was read one time and referred to the Standing Committee on Public Roads and Highways by the President of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Fred H. Gormley,
Clerk.

REPORTS OF COMMITTEES.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

By Mr. Espy:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise, adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate

such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read time and referred to appropriate standing committees, as follows:

By Mr. Espy:

S. 66. To provide for the printing and distribution of information by the State Department of Agriculture and Industries, and providing for the payment of the expenses thereof.

Finance and Taxation.

By Mr. Evins:

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

Judiciary.

By Mr. Acker:

S. 68. To amend section 3983, of the Code of 1907—(Volume 2, page 630, of the Code of 1907.)

Judiciary.

ADJOURNMENT.

On motion of Mr. Ellis, the Senate at 4:40 P. M. adjourned to meet tomorrow morning at 10:30.

ELEVENTH DAY.

Wednesday, October 19, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Bond, of Birmingham.

ROLL CALL.

Present:

Messrs:			
Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Butler	Griffith	Nance	Teasley
Caffey	Harper	Phillips	Webb
Carlton	Huddleston	Prestwood	West

—32

JOURNAL.

On motion of Mr. Acker the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Baker:

S. 69. To prohibit the imposition or collection of any State, county or municipal license or special tax, on any vehicle or team, which is used principally for purposes of farming, or the marketing of farm products by or for the producers of such products.

Finance and Taxation.

By Mr. Espy:

S. 70. To propose an amendment to the Constitution of Alabama, abolishing the office and department of agriculture and industries, and to vest the rights, powers and duties of that office and department in the Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College.

Agriculture.

By Mr. Craft:

S. 71. To amend section 15 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15th, 1919.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Lauderdale:

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

By Mr. Bealle (with substitute):

S. 14. To provide for the examination of all moving pictures, motion picture films, reels, views or slides before they are permitted to be shown to the public, and to provide for the examination, approval, or rejection of the same by all incorporated cities and towns in Alabama, and to provide penalties for violations of said provisions.

By Mr. Fuller:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McDonald:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

By Mr. Cliett:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the

Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Arnold (with amendment):

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Miller:

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

By Mr. Ellis:

S. 61. To provide for the protection and preservation of the cemetery at Cahaba, the first capital of the State.

By Mr. Sparks:

H. 50. To amend subdivision (h) of section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15th, 1919.

By Mr. Dunaway:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, it was read a second time and placed on the calendar, to-wit:

By Mr. Bealle:

S. 13. To amend section 7814 of the Code of Alabama, 1907.

Mr. Miller, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 46. To repeal an act entitled an act to authorize the governor to employ a special force to serve under his direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, to define the powers of persons employed on such special force, and require each to give bond, and to provide compensation for their services.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Carmichael:

S. 65. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the Tenth Congressional District of Alabama.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following House joint resolution and ordered same reported to the Senate with a favorable report:

HOUSE JOINT RESOLUTION.

H. J. R. 27. Be it resolved by the House, the Senate concurring, that:

Whereas, the development and utilization of the immense water power on the Tennessee river is among the most important matters now before the people of the United States, and will result in great benefit to the people of the United States and especially to all the people of Alabama; and

Whereas, Henry Ford of the state of Michigan has made a proposition to the United States government to take over and complete the project undertaken by the United States government during the war to develop and utilize this immense water power of the Tennessee river at Muscle Shoals, Alabama; and

Whereas, it is almost, if not quite, the universal opinion of the people of Alabama that Mr. Ford's proposition to take over and develop and utilize this power is both bona fide and feasible.

Therefore, be it resolved, that the Legislature of Alabama hereby memorializes the Congress of the United States and the War Department thereof to accept the proposition of Mr. Ford and to authorize him by an act of Congress and by contract with the War Department of the United States to take over the government's project at Muscle Shoals on the Tennessee river; and to develop and utilize the water power for the benefit of the people of the United States as may be provided for by the act of Congress and contract between Mr. Ford and the War Department of the United States government.

Be it further resolved, that a copy of these resolutions be sent to each of the two houses of Congress, to the secretary of the War Department, and to each of the Senators and Representatives of the State of Alabama.

Which was, under a suspension of the rules, adopted.

BILLS ON THIRD READING.

The bill:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith, including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence or indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 26; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Phillips
Baker	Carmichael	Kelly	Sims
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Teasley
Brown	Espy	McDowell	Webb
Butler	Evins	Nance	West
Caffey	Griffith		

—26

Nays:—None.

The bill:

S. 16. To repeal section 25, of an act of the Legislature of Alabama, fixing the salaries of the secretary of State, attorney general, State auditor, State treasurer, superintendent of education, and commissioner of agriculture and industries, elected in 1922, and who enter upon their respective offices in January, 1923, and their several successors in office. Approved Sept. the 30th, 1919.

Was read a third time at length and lost.

Yeas, 14; Nays, 15.

Yeas:

Messrs:

Baker	Espy	Morris	Phillips
Caffey	Evins	McDowell	Smith (Coosa)
Carlton	Harper	Nance	Webb
Ellis	Kelly		

—14

Nays:

Messrs:

Acker	Beale	Bedsole	Butler
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Carmichael	Leith	Rogers (Lauderdale)	Teasley
Craft	Miller	Sims	West
Griffith	Prestwood	Tally	

—15

The bill:

S. 48. To propose an amendment to section 48 of the Constitution of Alabama and to order an election by the qualified electors of the State upon such proposed amendment, to be held at the general election, next succeeding this special session of the Legislature.

Was read a third time at length and lost, not having received the required two-thirds majority as provided by the Constitution.

Yeas, 16; Nays, 14.

Yeas:

Messrs:

Baker	Harper	Prestwood	Tally
Craft	Leith	Rogers (Lauderdale)	Teasley
Espy	Nance	Sims	Webb
Evins	Phillips	Smith (Coosa)	West

—16

Nays:

Messrs:

Acker	Caffey	Griffith	Morris
Beale	Carlton	Kelly	McDowell
Bedsole	Carmichael	Miller	Rogers (Sumter)
Butler	Ellis		

—14

The resolution:

S. J. R. 14. Relating to bi-ennial sessions of the Legislature.

Was taken up.

On motion of Mr. Phillips, was indefinitely postponed.

The bill:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 25; Nays, 4.

Yeas:

Messrs:

Baker	Ellis	Miller	Rogers (Lauderdale)
Beale	Espy	Morris	Rogers (Sumter)
Bedsole	Evins	McDowell	Sims
Butler	Griffith	Nance	Smith (Coosa)
Caffey	Harper	Phillips	Tally
Carlton	Kelly	Prestwood	Webb
Craft			

—25

Nays:

Messrs:

Acker	Leith	Moore	West
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—4

The bill:

S. 31. To authorize and provide for the issuance and sale of the State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

Was taken up.

Mr. Rogers, of Sumter, offered the following amendment:

Amend Sec. 4 by inserting after the words "per annum" the words "payable semi-annually."

Which was adopted.

Yeas, 22; Nays, 1.

Yeas:

Messrs:

Acker	Craft	Miller	Rogers (Sumter)
Beale	Espy	Morris	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Caffey	Griffith	Nance	Tally
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael	Leith		

—22

Nays:

Mr. Baker—1.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 26; Nays, 1.

Yeas:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Beale	Espy	Moore	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Butler	Griffith	Nance	Tally
Caffey	Harper	Phillips	Webb
Carlton	Kelly	Rogers (Lauderdale)	West
Craft	Leith		

—26

Nays:

Mr. Prestwood—1.

The bill:

S. 54. To repeal an act entitled "An act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage,

or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved September 30, 1919.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Beale	Ellis	Leith	Sims
Bedsole	Espy	Miller	Smith (Coosa)
Butler	Griffith	Morris	Tally
Caffey	Harper	Nance	Webb
Carlton	Kelly	Phillips	West
Craft			

—21

Nays:—None.

The bill:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Was read a third time at length and passed and ordered same sent to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Miller	Sims
Beale	Espy	Morris	Smith (Coosa)
Bedsole	Griffith	Nance	Tally
Butler	Harper	Phillips	Webb
Caffey	Kelly	Rogers (Sumter)	West
Carlton			

—21

Nays:—None.

RECESS.

On motion of Mr. Acker the Senate at 12:10 P. M. recessed to meet again at 3:30 this afternoon.

AFTERNOON SESSION.

Wednesday, October 19, 1921.

The Senate re-assembled at 3:30 with Lieutenant Governor Miller, presiding.

On a call of the roll 32 Senators answered to their names, a quorum of the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. West (by request):

S. 72. For the suppression of lynching and mob violence in the State of Alabama; to require the presiding judges of the circuit court to make written report to the attorney general of every such occurrence within their circuits; to make mandatory the bringing of impeachment proceedings against a sheriff from whose custody or from the custody of whose deputies or jailers a prisoner is taken; to provide that the taking of a prisoner from such custody by a mob shall be prima facie evidence of willful neglect of duty and incompetency on the part of the sheriff.

Judiciary.

By Mr. Kelly (by request):

S. 73. To repeal an act entitled an act to require all the fees collected by sections 6655 and 6656 of the Code, in the county court to be paid into the county treasury; to provide a fund out of which the salaries of the judges of the county court shall be paid, and to fix the amount of such salaries, approved September 18, 1915. Acts 1915, page 603.

Finance and Taxation.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

By Mr. Evins:

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Arnold (with substitute):

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

(Which was read at length.)

Mr. Webb, chairman of the Standing Committee on Penitentiary, Prison and Prison Punishment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tally:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Smith of Greene:

H. 78. To repeal an act entitled "An act for the protection of human beings and of live stock of all kinds. To impose a license tax on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart and shall

be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved Sept. 30, 1919.

RESOLUTION.

Mr. McDowell offered the following resolution:

S. J. R. 27. Whereas, personal affairs of the members of the two houses should have some attention at home, and whereas, it now appears that the adjournment may be had by the last of next week;

Therefore, be it resolved by the Senate, the House concurring, that when adjournment is had on Thursday it be to convene on Monday, next, at two P. M.

Which was read once and referred to the Committee on Rules.

BILLS ON THIRD READING.

The bill:

S. 42. To amend subdivision one, of section thirteen of an act entitled an act to further suppress the evils of intemperance, to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties, approved Jan. 25, 1919.

Was taken up.

Mr. Prestwood offered the following amendment:

Amend Senate bill No. 42 by striking out the words "But such property may be replevied by the owner or person in possession of the same, pending the confiscation proceedings, by executing a replevin bond with good and sufficient sureties, in double the value of such property," which words begin with line thirty-four and just precede the word "When" on line thirty-seven of the bill and insert in lieu thereof the following:

"But such property may be replevied by the owner or person in possession of same pending the confiscation proceedings by executing a good and sufficient bond in double the value of the property seized, the value thereof to be fixed as hereinafter provided, and the condition of said bond to be that if the property seized shall be found subject to confiscation the principal and sureties on said bond will within thirty days from the rendition of said judgment pay such judgment and costs as may be rendered. That before the sheriff or other officer accepts or ap-

proves the bond, the person desiring to replevy said property must first make application in writing to the register of the circuit court in the county in which the property was seized asking that the register ascertain and fix the value of the property at the time it was seized and to his end the register may hear testimony and when the value has been so fixed by the register he must certify to the court in which the confiscation proceedings are pending his findings on the value of said property and shall receive as compensation for said services the sum of two and 50/100 dollars to be taken as part of the cost in said court and said value shall control the sheriff or other officer setting the amount of said bond and judgment shall be rendered against the principal and sureties on said bond for said value in event the property is found to be subject to confiscation and the judgment when collected shall be applied as provided in this act for the application of sums realized on property confiscated."

Which was adopted.

Yeas, 27; Nays, 3.

Yeas:

Messrs:

Acker	Craft	Leith	Rogers (Sumter)
Baker	Ellis	Miller	Sims
Beale	Espy	Morris	Smith (Coosa)
Bedsole	Evins	McDowell	Tally
Brown	Griffith	Nance	Teasley
Butler	Harper	Prestwood	West
Carmichael	Kelly	Rogers (Lauderdale)	

—27

Nays:

Messrs:

Caffey	Phillips	West	
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—3

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 3.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Craft	Leith	Rogers (Sumter)
Beale	Ellis	Miller	Sims
Bedsole	Evins	McDowell	Smith (Coosa)
Brown	Griffith	Nance	Teasley
Butler	Huddleston	Prestwood	West

—24

Nays:

Messrs:

Caffey	Phillips	Webb	
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—3

The bill:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subse-

quently held to be unconstitutional or void.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Beale	Ellis	Miller	Rogers (Sumter)
Bedsole	Espy	Morris	Sims
Brown	Griffith	McDowell	Smith (Coosa)
Butler	Harper	Nance	Tally
Caffey	Huddleston	Phillips	Teasley
Carmichael	Kelly	Prestwood	Webb
Craft	Leith	Rogers (Lauderdale)	West

—28

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Fred H. Gormley,
Clerk.

SIGNING OF BILL.

October 19, 1921.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the

final adjournment of the present special session of the Legislature.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution and ordered same sent forthwith to the Senate without engrossment:

By Mr. Alexander:

H. J. R. 35. Whereas, Miss Zitella Cocke, who was born and reared in the county of Perry, State of Alabama, a sister of Madison Cocke, member of the Fourth Alabama Regiment, killed at Gettysburg, and a sister of John Binion Cocke, a captain in the Confederate Army, is now a resident of the city of Mobile, and,

Whereas, she has materially contributed to the best literature of the world by the publication of many wonderful poems from her pen, all of which are of surpassing beauty and merit, and,

Whereas, the literary beauty of the poems of Miss Cocke has not only been recognized in Alabama and throughout the South but also by many of the prominent authors' clubs of America, of Great Britain and France, and,

Whereas, she has rendered a vital service to the State in that she has taught, in their early days, some of the men who have filled leading positions in these halls, and,

Whereas, after a long and useful life this gifted daughter of Alabama waits

"To rise to the joy, high-priced,
Won for us by our risen Christ,"

Now, therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama hereby express the appreciation of its members and of the people of the State of Alabama of the fame and renown which Miss Zitella Cocke has achieved for the State in the field of literature and music.

Be it further resolved, that a copy of these resolutions be forwarded to Miss Zitella Cocke at Mobile, Alabama.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter, the House joint resolution set out in the foregoing House message was concurred in and adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

By Mr. Ross:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

And ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing House message was read one time and referred by the presiding officer of the Senate to the Standing Committee on Judiciary.

BILLS ON THIRD READING RESUMED.

The bill:

S. 51. To provide that any dentist or dental surgeon who is a graduate of any recognized school of dentistry shall be entitled to practice dentistry, or dental surgery in Alabama upon the presentation to the board of dental examiners of the State of Alabama satisfactory evidence of his being such graduate, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons, practicing their profession in the State of Alabama.

Was taken up.

Mr. Leith offered the following substitute:

A BILL

To be entitled an act to provide that any dentist or dental surgeon who has as much as twenty years experience in the practice of dentistry shall be entitled to practice dentistry, or dental surgery in Alabama upon the presentation to the board of dental examiners of the State of Alabama satisfactory evidence of his having had twenty years experience as a dentist, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons, practicing their profession in the State of Alabama.

Be it enacted by the Legislature of Alabama:

Section 1. That any dentist or dental surgeon, who is a recognized practitioner of dentistry or dental surgery and has not had less than twenty years experience in active practice in dentistry or dental surgery, shall be entitled to a license to practice dentistry or dental surgery in the State of Alabama.

Section 2. Upon presentation to the board of dental examiners of the State of Alabama, of satisfactory evidence of his being a recognized practitioner of dentistry or dental surgery, together with written recommendation signed by five or more dentists, or dental surgeons, practicing their profession in the State of Alabama, who shall also be members of the Dental Association of the State of Alabama, it shall be the duty of said board of dental examiners to issue a certificate or license entitling the applicant to practice dentistry or dental surgery in the State of Alabama upon payment of such fees as may be required by law for such a license.

Which was adopted.

Yeas, 16; Nays, 10.

Yeas:

Messrs:

Baker	Harper	Nance	Tally
Brown	Huddleston	Phillips	Teasley
Craft	Leith	Rogers (Lauderdale)	Webb
Griffith	Morris	Smith (Coosa)	West

—16

Nays:

Messrs:

Acker	Butler	Kelly	McDowell
Beale	Carmichael	Miller	Sims
Bedsole	Ellis		

—10

And said bill as thus amended was read a third time at length and lost as it failed of the necessary two-thirds vote as required by the Constitution.

Yeas, 17; Nays, 11.

Yeas:

Messrs:

Baker	Huddleston	Phillips	Tally
Brown	Leith	Prestwood	Teasley
Craft	Morris	Rogers (Lauderdale)	Webb
Griffith	Nance	Smith (Coosa)	West
Harper			

—17

Nays:

Messrs:

Acker	Butler	Ellis	McDowell
Beale	Caffey	Kelly	Sims
Bedsole	Carmichael	Miller	

—11

LEAVE OF ABSENCE.

On motion of Mr. McDowell he was granted leave of absence for Thursday.

ADJOURNMENT.

On motion of Mr. Carmichael, the Senate at 5:30 adjourned to meet tomorrow morning at 10:30.

TWELFTH DAY.

Thursday, October 20, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Dr. Crumpton, of Montgomery.

ROLL CALL.

Present:

Messrs:			
Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Cowan	Leith	Rogers (Sumter)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Morris	Smith (Coosa)
Brown	Espy	McDowell	Tally
Butler	Evins	Nance	Teasley
Caffey	Harper	Phillips	Webb
Carlton	Huddleston	Prestwood	West

—32

JOURNAL.

On motion of Mr. Bedsole, the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Tally:

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

Finance and Taxation.

By Mr. Webb:

S. 75. To repeal an act entitled "An act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof," approved August 25, 1915.

Banking and Insurance.

By Mr. West:

S. 76. To provide for the payment of the costs of chartering a special train in which to convey the members of the Legislature from Montgomery, Alabama, to Birmingham, Alabama, and return on the 26th day of October, 1921.

Finance and Taxation.

By Mr. Rogers of Sumter:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Judiciary.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

And returns said bill herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The Senate concurred in and adopted, on motion of Mr. Craft, the amendment proposed by the House to the bill set out in the foregoing message from the House, said amendment being in words and figures as follows, to-wit:

Amend by inserting after the word "may" in line seven from bottom of page one of bill the following: "At a cost of not exceeding ten million dollars."

Also by inserting after word "may" in line eight from bottom of page two the following: "At a cost of not exceeding ten million dollars."

Yeas, 23; Nays, 5.

Yeas:

Messrs:

Acker	Carmichael	McDowell	Smith (Coosa)
Beale	Craft	Nance	Tally
Bedsole	Harper	Phillips	Teasley
Brown	Kelly	Rogers (Lauderdale)	Webb
Caffey	Leith	Rogers (Sumter)	West
Carlton	Miller	Sims	

—23

Nays:

Messrs:

Baker	Huddleston	Morris	Prestwood
Ellis			

—5

And the bill:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the

qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Containing the proposed constitutional amendment as amended by the House, was read again at length and passed.

Yeas, 23; Nays, 5.

Yeas:

Messrs:

Acker	Carmichael	McDowell	Smith (Coosa)
Beale	Craft	Nance	Tally
Bedsole	Harper	Phillips	Teasley
Brown	Kelly	Rogers (Lauderdale)	Webb
Caffey	Leith	Rogers (Sumter)	West
Carlton	Miller	Sims	

—23

Nays:

Messrs:

Baker	Huddleston	Morris	Prestwood
Ellis			

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 1. To amend section 7654 of the Code of Alabama of 1907.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Tunstall:

H. 56. To repeal section 1411 of the Code of Alabama of 1907 as amended by the act to amend section 1411 of the Code of Alabama of 1907, approved October 12th, 1920.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The bill set out in the foregoing message from the House was read one time and referred by the presiding officer of the Senate to the Standing Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bills and ordered same sent forthwith to the Senate without engrossment:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving and maintaining roads, highways and bridges.

Also:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The bills set out in the foregoing House message were read one time and referred to appropriate standing committees by the presiding officer of the Senate as follows:

H. 46. To the Committee on Public Roads and Highways.

H. 18. To the Committee on Constitution, Constitutional Revision and Amendments.

RESOLUTION.

Mr. Carmichael offered the following resolution:

S. J. R. 28. Whereas, Honorable Warren G. Harding, President of the United States, will be in the city of Birmingham on the 26th day of October, 1921, attending the celebration of the semi-centennial of our largest city,

Now, therefore, be it resolved by the Senate, the House concurring, that the Legislature of Alabama, together with its officers and clerks, attend said celebration on said day and appear before the President of the United States in the Assembly Hall of the Tutwiler Hotel in token of our high respect for our President as a man and a patriot, and in honor of the great office which he holds;

Resolved further, that it is the sense of the Legislature that a special train be provided at the expense of the State to carry

the Legislature, its officers and clerks and all State officers to meet the President;

Resolved further, that the governor of Alabama and all officers of the State be invited to accompany the Legislature;

Resolved further, that a joint committee, three from the Senate to be appointed by the Lieutenant Governor, and three from the House, to be appointed by the Speaker of the House, be raised to make all necessary arrangements for attending said celebration.

Which was adopted under a suspension of the rules.

BILLS ON THIRD READING.

The bill:

S. 43. To repeal sections 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107 and 108 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Was read a third time at length and lost.

Yeas, 12; Nays, 18.

Yeas:

Messrs:

Baker
Carlton
Ellis

Evins
Harper
Huddleston

McDowell
Nance
Phillips

Prestwood
Rogers (Lauderdale)
Webb

—12

Nays:

Messrs:

Acker
Beale
Bedsole
Brown
Butler

Caffey
Carmichael
Cowan
Craft
Kelly

Leith
Miller
Rogers (Sumter)
Sims

Smith (Coosa)
Tally
Teasley
West

—18

COMMITTEE NAMED.

In accordance to joint resolution 28 heretofore adopted the presiding officer of the Senate named the following committee to make arrangements regarding trip to Birmingham semi-centennial: Messrs. Carmichael, West and Rogers of Lauderdale.

LEAVE OF ABSENCE.

On motion of Mr. Teasley leave of absence was granted Mr. Griffith for today and tomorrow.

On motion of Mr. Smith of Coosa leave of absence was granted Mr. Espy until Tuesday.

RECESS.

On motion of Mr. Baker the Senate at 12:30 took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION.

The Senate re-assembled at 3 P. M., with Lieutenant Governor Miller, presiding.

On call of the roll 30 Senators answered to their names, a quorum of the Senate.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ross:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

By Mr. Phillips:

S. 57. To divide the State into judicial circuits for the circuit court to be numbered and composed of the counties named.

By Mr. West (by request):

S. 72. For the suppression of lynching and mob violence in the State of Alabama; to require the presiding judges of the circuit court to make written report to the attorney general of every such occurrence within their circuits; to make mandatory the bringing of impeachment proceedings against a sheriff from whose custody or from the custody of whose deputies or jailers a prisoner is taken; to provide that the taking of a prisoner from such custody by a mob shall be prima facie evidence of willful neglect of duty and incompetency on the part of the sheriff.

By Mr. Acker (with substitute):

S. 5. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 1. To amend section 7654 of the Code of Alabama of 1907.

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 1. To amend section 7654 of the Code of Alabama of 1907.

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted Senate joint resolution No. 28, relative to the members and employees of the Legislature attending the semi-centennial celebration at Birmingham on Wednesday, October 26th, and the Speaker names as committee on arrangements on part of the House, Messrs. Murphree, Tunstall and Hare.

And returns same herewith to the Senate.

Fred H. Gormley.
Clerk.

BILLS ON THIRD READING.

The bill:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	McDowell	Sims
Baker	Craft	Nance	Smith (Coosa)
Bedsole	Harper	Phillips	Tally
Brown	Leith	Prestwood	Teasley
Caffey	Miller	Rogers (Lauderdale)	Webb
Carmichael	Morris	Rogers (Sumter)	West

Nays:—None.

—24

The bill:

H. 50. To amend subdivision (h) of section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15th, 1919.

Was taken up.

Mr. Prestwood offered the following amendment:

Amend section H of House bill No. 50 by inserting right after the word "that" (the first word in section H) the following words: "On and after Oct. 1, 1921."

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Bedsole	Craft	Miller	Rogers (Sumter)
Brown	Ellis	Morris	Sims
Butler	Evins	McDowell	Smith (Coosa)
Caffey	Harper	Nance	Tally
Carlton	Kelly	Prestwood	Webb
Carmichael			

—25

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 27; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Leith	Rogers (Sumter)
Baker	Cowan	Miller	Sims
Bedsole	Craft	Morris	Smith (Coosa)
Brown	Ellis	McDowell	Tally
Butler	Evins	Nance	Webb
Caffey	Harper	Prestwood	West
Carlton	Kelly	Rogers (Lauderdale)	

—27

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in the Senate amendment to the bill:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Fred H. Gormley,
Clerk.

BILLS ON THIRD READING RESUMED.

The bill:

S. 50. To repeal section 1411 of the Code of Alabama of 1907.
Was taken up.

Mr. Ellis offered the following amendment:

Amend Senate bill No. 50 by inserting in the caption and the body of the bill after the figures 1907 the words "as amended by the act to amend section 1411 of the Code of Alabama of 1907, approved October 12, 1920."

Which was adopted.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Caffey	Harper	Nance
Baker	Carlton	Kelly	Rogers (Lauderdale)
Beale	Cowan	Leith	Sims
Bedsole	Craft	Miller	Tally
Brown	Ellis	Morris	West
Butler	Evins	McDowell	

—23

Nays:—None.

And said bill as thus amended was read a third time at length and lost by reason of not having received the required two-thirds vote as provided in the Constitution.

Yeas, 17; Nays, 11.

Yeas:

Messrs:

Acker	Caffey	Craft	McDowell
Baker	Carlton	Ellis	Rogers (Lauderdale)
Beale	Carmichael	Evins	Rogers (Sumter)
Bedsole	Cowan	Miller	Tally
Brown			

—17

Nays:

Messrs:

Butler	Leith	Prestwood	Webb
Harper	Morris	Sims	West
Kelly	Nance	Smith (Coosa)	

—11

The bill:

S. 13. To amend section 7814 of the Code of Alabama, 1907.
Was taken up.

Mr. Bedsole offered the following substitute for the bill:

A BILL

To be entitled an act to amend section 7814 of the Code of Alabama of 1907.

Be it enacted by the Legislature of Alabama:

That section 7814 of the Code of 1907 be amended so as to read as follows:

"7814. Certain acts prohibited on Sunday; punishment.— Any person who compels his child, apprentice or servant to perform any labor on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity; or who engages in shooting, hunting, gaming, card playing, or racing on that day, or who keeps open, operates or has operated any moving picture theater or other place where moving pictures are shown, or who engages in playing base ball for which a fee or admission is charged or collected on that day; or who, being a merchant or shop-keeper, druggist excepted, keeps open store on that day, must, for the first offense, be fined not less than ten nor more than twenty dollars, and for the second or any subsequent offense, must be fined not less than twenty nor more than one hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county for not more than three months; but the provisions of this section do not apply to the running of railroads, automobiles, or steamboats, or other vessels navigating the waters of this State, or any manufacturing establishment which requires to be kept in constant operation.

Mr. Rogers of Sumter, offered the following amendment to the substitute:

Amend the caption of the bill so as to read:

"A bill to be entitled an act to compel obedience to the fourth commandment and by inserting section one.

Every person in Alabama who refuses to work six days and to rest from all work on the Sabbath day shall be guilty of a misdemeanor, and shall be fined not less than \$20.00 nor more than \$500.00 and may also be sentenced to hard labor for six months.

On motion of Mr. Phillips said amendment was tabled.

Mr. Smith of Coosa, offered the following amendment to the substitute:

Amend substitute on line ten by inserting between the words "druggist" and "excepted" the following:

"To sell drugs and those things necessary for the sick and injured only."

Which was lost.

Yeas, 13; Nays, 17.

Yeas:

Messrs:

Brown	Kelly	Nance	Smith (Coosa)
Butler	Miller	Phillips	Webb
Cowan	Morris	Prestwood	West
Ellis			

—13

Nays:

Messrs:

Acker	Carlton	Harper	Rogers (Sumter)
Baker	Carmichael	Leith	Sims
Beale	Craft	McDowell	Tally
Bedsole	Evins	Rogers (Lauderdale)	Teasley
Caffey			

—17

Mr. Carmichael offered the following amendment to the substitute:

Amend by inserting in the substitute after the words "apply to" the words "gasoline filling stations, or to bakeries, or to restaurants, or to."

Which was adopted.

Yeas, 24; Nays, 6.

Yeas:

Messrs:

Acker	Carlton	Kelly	Phillips
Baker	Carmichael	Leith	Rogers (Lauderdale)
Bedsole	Craft	Miller	Rogers (Sumter)
Brown	Ellis	Morris	Sims
Butler	Evins	McDowell	Tally
Caffey	Harper	Nance	Teasley

—24

Nays:

Messrs:

Beale	Prestwood	Webb	West
Cowan	Smith (Coosa)		

—6

Mr. Craft offered the following amendment to the substitute:
To amend the amendment by adding the sale of fruits after the word "bakery."

Mr. Phillips moved to table the amendment which motion was lost and the amendment was adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Fred H. Gormley,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

ADJOURNMENT.

On motion of Mr. Phillips the Senate at 5:10 adjourned to meet tomorrow morning at 10:30.

THIRTEENTH DAY.

Friday, October 21, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. McCaslin, of Montgomery.

ROLL CALL.

Present:

Messrs:			
Acker	Carmichael	Leith	Rogers (Sumter)
Baker	Cowan	Miller	Sims
Beale	Craft	Morris	Smith (Coosa)
Bedsole	Ellis	McDowell	Smith (Lawrence)
Brown	Evins	Nance	Tally
Butler	Harper	Phillips	Teasley
Caffey	Huddleston	Prestwood	Webb
Carlton	Kelly	Rogers (Lauderdale)	West

JOURNAL.

On motion of Mr. Bealle the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Craft:

S. 78. To amend an act entitled an act to provide for instruction in regard to the humane protection of animals in the public schools approved September 29, 1919.

Education.

REPORTS OF COMMITTEES.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Tally:

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

By Mr. West:

S. 76. To provide for the payment of the costs of chartering a special train in which to convey the members of the Legislature from Montgomery, Alabama, to Birmingham, Alabama, and return on the 26th day of October, 1921.

By Mr. Tunstall:

H. 56. To repeal section 1411 of the Code of Alabama of 1907 as amended by the act to amend section 1411 of the Code of Alabama of 1907 approved October 12th, 1920.

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 71. To amend section 15 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15th, 1919.

By Mr. Prestwood:

S. 63. To amend section 12 of an act "To provide for the general revenue of the State of Alabama," approved Sept. 15th, 1919.

Mr. Espy, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Espy:

S. 70. To propose an amendment to the Constitution of Alabama, abolishing the office and department of agriculture and industries, and to vest the rights, powers and duties of that office and department in the Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College.

(Which was read at length.)

Mr. Kelly, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Arnold:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Webb (with substitute):

S. 75. To repeal an act entitled "An act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof," approved August 25, 1915.

RESOLUTIONS.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 29. Whereas, the citizens of Montgomery have offered to put at the disposal of the members of the Senate and of the House enough automobiles to accommodate the whole body, taking them on a tour of inspection of the camp where the United States donation of road machines and materials are kept; of the new prison now being built, and of the bridge being constructed across the Tallapoosa river,

Now, therefore, be it resolved, that when the two bodies recess on Tuesday, October 25, they recess until 4:30 P. M., giving the time from 2:30 to 4:30 for this inspection.

Which was adopted under a suspension of the rules.

Mr. Rogers of Lauderdale offered the following resolution:

S. J. R. 30. Whereas, the United Confederate Veterans will assemble in annual reunion in the city of Chattanooga, Tennessee, on Tuesday next, October 25th; and

Whereas, we recall with a feeling of profound gratitude the valiant struggle waged by the gallant soldiers of the South for the preservation of the constitutional rights of our people—warriors springing from injuries to arms to resist the war of ambition, aggression and conquest, designed to destroy the South; and

Whereas, the historic capitol building of the State of Alabama was the first capitol of the Confederate States of America, here the first Confederate Congress assembled, here Jeff Davis

was inaugurated President of a nation which still lives in glorious memory and imperishable tradition; and

Whereas, the matchless courage and invincible patriotism of our Confederate soldiers constitutes the most wonderful achievement in Alabama's crown of glory; and

Whereas, Alabama contributed more soldiers to the defense of Southern honor than she had voters at the polls:

Now, therefore, be it resolved, that the members of the Alabama Legislature hereby send the greetings of its members and of all patriotic Alabamians to the United Confederate Veterans about to assemble in annual reunion at Chattanooga, Tennessee, together with the assurance that we love, honor and revere them, not only for the gallant fight which they made to maintain our constitutional rights and to resist the invasion of a devastating foe, but also for the leadership and courage which they demonstrated in the reclamation of the South from the reign of the alien, the scallawag and the demagogue;

Be it resolved further, that while yielding to no section of the country a greater loyalty to the nation and to the American Flag than we possess, yet we salute and glorify the small remnant of the army of the "Ill-starred Nation that fell," that fought for a great principle which in their hearts and consciences they believed to be right.

Resolved further, that immediately upon the passage and approval of this resolution, the secretary of State be, and he is hereby requested to forward a copy, under the Great Seal of the State of Alabama, to the commander-in-chief, United Confederate Veterans, at Chattanooga, Tennessee.

Which was adopted under a suspension of the rules.

Further consideration of the bill:

S. 13. To amend section 7814 of the Code of Alabama, 1907.

Was, on motion of Mr. Bealle, postponed until the next legislative day and made a special order for the first thing after the routine of business.

BILLS ON THIRD READING.

The bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amend-

ment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

The committee offered the following substitute:

Committee substitute for House bill No. 44:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum payable semi-annually and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year, preceding the issuance of same and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the

most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

"Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provi-

sion, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes.....

"No.....

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a

majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

Which was adopted.

Yeas, 22; Nays, 2.

Yeas:

Messrs:

Acker	Cowan	McDowell	Smith (Coosa)
Beale	Craft	Nance	Smith (Lawrence)
Bedsole	Ellis	Phillips	Tally
Butler	Evins	Rogers (Sumter)	Webb
Caffey	Kelly	Sims	West
Carlton	Leith		

—22

Nays:

Messrs:

Miller	Prestwood		
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—2

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; Nays, 4.

Yeas:

Messrs:

Acker	Cowan	Leith	Sims
Beale	Craft	McDowell	Smith (Coosa)
Bedsole	Ellis	Nance	Smith (Lawrence)
Butler	Evins	Phillips	Tally
Caffey	Harper	Rogers (Lauderdale)	Webb
Carlton	Kelly	Rogers (Sumter)	West

—24

Nays:

Messrs:

Baker	Miller	Prestwood	Teasley
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—4

The bill:

S. 61. To provide for the protection and preservation of the cemetery at Cahaba, the first capital of the State.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 22; Nays, 2.

Yeas:

Messrs:

Acker	Craft	McDowell	Sims
Bedsole	Ellis	Nance	Smith (Lawrence)
Butler	Evins	Phillips	Tally
Caffey	Harper	Rogers (Lauderdale)	Webb
Carlton	Kelly	Rogers (Sumter)	West
Cowan	Leith		

—22

Nays:

Messrs:

Baker

Miller

—2

The bill:

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker

Baker

Beale

Bedsole

Butler

Caffey

Carlton

Craft

Ellis

Evins

Harper

Kelly

Leith

Moore

Morris

McDowell

Nance

Prestwood

Rogers (Lauderdale)

Rogers (Sumter)

Sims

Smith (Coosa)

Smith (Lawrence)

Tally

West

—25

Nays:—None.

The bill:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

Was taken up.

Mr. Carmichael offered the following substitute:

A BILL

To be entitled an act to appropriate fifty-five thousand (\$55,000) dollars for defraying the expenses of the special session of the Legislature of Alabama, and to provide the manner of paying certain traveling expenses incurred by the Legislature for a special train for the use of the Legislature.

Section 1. Be it enacted by the Legislature of Alabama, that the sum of fifty-five thousand (\$55,000.00) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any monies in the State treasury not otherwise appropriated, to pay the per diem and mileage of the members of the Legislature at the special session, and all amounts due for the hire of clerks and employees of the Legislature and all other necessary or proper expenses incurred in holding the present extra session of the Legislature, including the cost of a special train to carry the members, officers or clerks of the Legislature and State officers to the semi-centennial celebration of the city of Birmingham, Alabama, to show respect to the President of the United States.

Section 2. The State auditor shall draw his warrant or warrants on the State treasurer on a voucher or vouchers drawn by the Lieutenant-Governor on account or accounts made out and certified by the joint committee of arrangements appointed by the Senate and House of Representatives to pay the cost of the special train to carry the members, officers and clerks of the Legislature and the State officers to the semi-centennial celebration of the city of Birmingham, Alabama.

Which was adopted.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Rogers (Sumter)
Beale	Craft	Morris	Sims
Bedsole	Ellis	Nance	Smith (Coosa)
Butler	Harper	Phillips	Smith (Lawrence)
Caffey	Kelly	Prestwood	Tally
Carlton	Leith	Rogers (Lauderdale)	West
Carmichael			

—25

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Sumter)
Baker	Cowan	Morris	Sims
Bedsole	Craft	Nance	Smith (Coosa)
Butler	Ellis	Phillips	Smith (Lawrence)
Caffey	Harper	Prestwood	Tally
Carlton	Kelly	Rogers (Lauderdale)	West

—24

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Fred H. Gormley,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immedi-

ately after their title had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered same sent forthwith to the Senate without engrossment:
By Mr. Dansby:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill in the foregoing House message was read one time and referred to the Standing Committee on Penitentiary, Prison and Prison Punishment, by the presiding officer of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

By Mr. Cowan:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the foregoing House message, said amendment being as follows:

Amend Senate bill 19 by striking out "fifty thousand dollars (\$50,000.00)" where the same appears both in the caption and body of the bill and inserting in lieu thereof "seventy-five thousand dollars (\$75,000.00)."

Yeas, 16; Nays, 13.

<i>Yeas:</i>			
Messrs:			
Acker	Carlton	Kelly	Sims
Beale	Carmichael	Leith	Smith (Lawrence)
Bedsole	Cowan	Miller	Teasley
Butler	Craft	Nance	West

—16

<i>Nays:</i>			
Messrs:			
Baker	Harper	Phillips	Rogers (Sumter)
Caffey	Morris	Prestwood	Smith (Coosa)
Ellis	McDowell	Rogers (Lauderdale)	Tally
Evins			

—13

BILLS ON THIRD READING RESUMED.

The bill:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up.

Mr. Leith offered the following amendment:

Amend H. 30 by striking out the following words:

“Such organization or association shall be suable in any action now pending or any cause of action now existing or hereafter arising.”

Which was lost.

Yeas, 7; Nays, 17.

<i>Yeas:</i>			
Messrs:			
Craft	Leith	Smith (Lawrence)	West
Harper	Phillips	Teasley	

—7

<i>Nays:</i>			
Messrs:			
Acker	Cowan	Morris	Rogers (Sumter)
Beale	Evins	McDowell	Sims
Butler	Kelly	Prestwood	Smith (Coosa)
Caffey	Miller	Rogers (Lauderdale)	Tally
Carlton			

—17

PAIRS ANNOUNCED.

Mr. Carmichael announced that he was paired with Mr. Espy on the above amendment, and that if Mr. Espy were present he would vote no and he, Mr. Carmichael, would vote yea to table.

Mr. Baker announced that he was paired with Mr. Moore on the above amendment and that if Mr. Moore were present he would vote no and he, Mr. Baker, would vote yea to table.

Mr. Nance announced that he was paired with Mr. Webb on the above amendment and that if Mr. Moore were present he

would vote no and that he, Mr. Nance, would vote yea on the vote to table.

Mr. Leith also offered the following amendment:

Amend H. 30 by adding thereto section 8, so as to read as follows:

Sec. 8. That no religious organization, church or any unincorporated association shall be included in this act.

Which, on motion of Mr. Acker, was tabled.

Yeas, 14; Nays, 5.

Yeas:

Messrs:

Acker	Cowan	Morris	Rogers (Sumter)
Beale	Evins	McDowell	Sims
Butler	Kelly	Prestwood	Tally
Carlton	Miller		

—14

Nays:

Messrs:

Craft	Leith	Phillips	West
Ellis			

PAIRS ANNOUNCED.

Mr. Harper announced that he was paired with Mr. Caffey on the above amendment and that if Mr. Caffey were present he would vote no and he, Mr. Harper, would vote yea on the motion to table.

Mr. Teasley announced that he and Mr. Rogers of Lauderdale were paired on the motion to table the above amendment and that if Mr. Rogers of Lauderdale were present he would vote yea and that he, Mr. Teasley, would vote no.

Mr. Leith also offered the following amendment:

Amend further by adding section 9:

Section 9. There shall be no liability against the persons or property of the individuals composing such organization or association, unless such individuals be made party defendant to such action as required now by law.

Which on motion of Mr. Acker was tabled.

Mr. Leith also offered the following amendment:

Amend said bill further by adding section 10:

Section 10. That all suits that shall be against partnerships in the partnership name. It will not be necessary to make each party liable to sue each individual party's name, or to set out that the same is a partnership.

Which on motion of Mr. Acker was tabled.

Mr. Leith offered the following amendment:

Section 11. But this suit shall not apply to any benevolent unincorporated organization or association.

Which was under discussion when the Senate adjourned and no action taken on it.

RESOLUTION.

Mr. Carmichael offered the following resolution:
By Mr. Carmichael:

S. J. R. 31. "Resolved, by the Senate, the House concurring, that when the two houses adjourn today it be until Monday, October 24, 1921, at 2 P. M."

Which was adopted under a suspension of the rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and ordered the same sent to the Senate without engrossment:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing message was read one time and referred to the Standing Committee on Banking and Insurance by the presiding officer of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment offered by the Senate to the bill:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 31, relative to adjournment from today until Monday, Oct. 24, 1921, at two o'clock.

And returns same to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Carmichael the amendment proposed by the House to the Senate bill set out in the foregoing message from the House was concurred in and adopted, said amendment being as follows:

Amend section 1 of the bill by striking out the words "by executing" where they appear in said section and inserting in lieu thereof the words "may execute."

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Morris	Rogers (Sumter)
Beale	Ellis	McDowell	Sims
Butler	Evins	Nance	Smith (Coosa)
Caffey	Harper	Phillips	Tally
Carlton	Kelly	Prestwood	Teasley
Carmichael	Miller	Rogers (Lauderdale)	West
Cowan			

—25

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted, by a rising vote, S. J. R. 30, relative to sending greetings to the United Confeder-

ate Veterans at their annual assembly about to be held at Chattanooga, Tenn.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

LEAVE OF ABSENCE.

At the request of Mr. Caffey he was granted leave of absence by the Senate until Wednesday.

ADJOURNMENT.

On motion of Mr. Rogers of Lauderdale, the Senate at 2:05 adjourned to meet again Monday, October 24, 1921, as provided by joint resolution heretofore adopted.

FOURTEENTH DAY.

Monday, October 24, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Speigle, of Montgomery.

ROLL CALL.

Present:

Messrs:			
Acker	Cowan	Leith	Rogers (Sumter)
Baker	Craft	Miller	Sims
Beale	Ellis	Moore	Smith (Coosa)
Bedsole	Espy	Morris	Tally
Butler	Evins	Phillips	Teasley
Carlton	Harper	Prestwood	Webb
Carmichael	Kelly	Rogers (Lauderdale)	West

—28

JOURNAL.

On motion of Mr. Acker the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts the bill was introduced, read one time and referred to appropriate standing committee as follows:

By Mr. Tally:

S. 79. To authorize the courts of county commissioners, boards of revenue or other governing bodies to lease or hire

county convicts singly or in a body or otherwise, to be employed at any service except mining coal.

Penitentiary, Prison and Prison Punishment.

REPORTS OF COMMITTEES.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dansby:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' 'approved March 2nd, 1911,' approved February 15, 1915," approved September 27, 1919.

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Craft:

S. 78. To amend an act entitled an act to provide for instruction in regard to the humane protection of animals in the public schools, approved September 29, 1919.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Sumter:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Acker:

S. 36. To provide for obtaining the opinion of justices of the Supreme Court, or a majority thereof, by the governor upon important constitutional questions and on solemn occasions.

LEAVE OF ABSENCE.

On motion of Mr. Evins, leave of absence was granted to Mr. McDowell for this afternoon.

BILLS ON THIRD READING.

The bill:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Sims
Baker	Cowan	Miller	Smith (Coosa)
Beale	Craft	Morris	Tally
Butler	Ellis	Prestwood	Teasley
Caffey	Espy	Rogers (Lauderdale)	Webb
Carlton	Evins	Rogers (Sumter)	West

—24

Nays:—None.

The bill:

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Kelly	Smith (Coosa)
Baker	Craft	Moore	Tally
Beale	Ellis	Morris	Teasley
Bedsole	Espy	Rogers (Lauderdale)	Webb
Butler	Evins	Rogers (Sumter)	West
Carlton	Harper	Sims	

—23

Nays:—None.

The bill:

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Baker	Cowan	Kelly	Sims
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Tally
Butler	Espy	Prestwood	Teasley
Carlton	Evins	Rogers (Lauderdale)	Webb
Carmichael	Harper	Rogers (Sumter)	West

—24

Nays:—None.

The bill:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restriction of membership; to give certain powers to such associations and provide how they shall do business.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Baker	Cowan	Moore	Smith (Coosa)
Beale	Craft	Morris	Tally
Bedsole	Evins	Prestwood	Teasley
Butler	Harper	Rogers (Lauderdale)	Webb
Carlton	Kelly	Rogers (Sumter)	West
Carmichael	Miller	Sims	

—23

Nays:—None.

The bill:

H. 78. To repeal an act entitled "An act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this Institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved Sept. 30, 1919.

Was read a third time at length and passed.

Yeas, 21; Nays, 2.

Yeas:

Messrs:

Baker	Espy	Morris	Smith (Coosa)
Beale	Evins	Prestwood	Tally
Bedsale	Harper	Rogers (Lauderdale)	Teasley
Carlton	Miller	Rogers (Sumter)	Webb
Craft	Moore	Sims	West
Ellis			

—21

Nays:

Messrs:

Butler Kelly

—2

The bill:

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 19; Nays, 3.

*Yeas:**Messrs:*

Baker	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Butler	Espy	Morris	Teasley
Carlton	Harper	Rogers (Lauderdale)	West
Cowan	Kelly	Rogers (Sumter)	

—19

*Nays:**Messrs:*

Acker	Tally	Webb
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—3

The bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Was taken up.

The committee offered the following amendment:

Amend section 1, line 25, after the two words "expired term," and beginning a new sentence in lieu of the word "seven" insert the word "three" so that it shall read "three of the members of the State Highway Commission shall constitute quorum, etc."

Amend section 8, House bill No. 45, as follows:

After the words "Any county or municipal official who" insert the words "willfully and without just excuse."

Amend section 18 by adding after the words "such" in the fourth line, the word "buildings."

Which was adopted.

Yeas, 21; Nays, 1.

*Yeas:**Messrs:*

Bedsole	Espy	Miller	Sims
Butler	Evins	Moore	Smith (Coosa)
Carlton	Harper	Morris	Tally
Cowan	Kelly	Rogers (Lauderdale)	Webb
Craft	Leith	Rogers (Sumter)	West
Ellis			

—21

Nays:

Mr. Prestwood—1.

Mr. Rogers of Sumter, offered the following amendment:

Amend section 11 of House bill No. 45 by striking therefrom the words: "Provided they must provide a way for the public to travel."

Which was adopted.

Yeas, 17; Nays, 2.

*Yeas:**Messrs:*

Beale	Butler	Cowan	Ellis
Brown	Carlton	Craft	Espy

Evins	Morris	Rogers (Sumter)	Smith (Coosa)	
Kelly	Rogers (Lauderdale)	Sims	Tally	
Miller				—17

Nays:

Messrs:

Harper	Prestwood			—2
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And said bill as thus amended was read a third time at length and passed.

Yeas, 21; Nays, 1.

Yeas:

Messrs:

Beale	Craft	Kelly	Sims	
Bedsole	Ellis	Miller	Smith (Coosa)	
Butler	Espy	Moore	Tally	
Carlton	Evins	Rogers (Lauderdale)	Webb	
Carmichael	Harper	Rogers (Sumter)	West	
Cowan				—21

Nays:

Mr. Prestwood—1.

The bill:

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 1.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Sims	
Baker	Cowan	Miller	Smith (Coosa)	
Beale	Craft	Morris	Tally	
Bedsole	Ellis	Prestwood	Teasley	
Butler	Espy	Rogers (Lauderdale)	West	
Carlton	Harper	Rogers (Sumter)		—23

Nays:

Mr. Leith—1.

The bill:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Baker	Craft	Miller	Sims
Beale	Ellis	Morris	Smith (Coosa)
Bedsole	Espy	Phillips	Tally
Butler	Evins	Prestwood	Teasley
Carmichael	Harper	Rogers (Lauderdale)	Webb
Cowan	Kelly	Rogers (Sumter)	West

—24

Nays:—None.

The bill:

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 19; *Nays*, 1.

Yeas:

Messrs:

Bedsole	Craft	Phillips	Tally
Butler	Ellis	Prestwood	Teasley
Carlton	Evins	Rogers (Lauderdale)	Webb
Carmichael	Harper	Rogers (Sumter)	West
Cowan	Miller	Sims	

—19

Nays:

Mr. Morris—1.

The bill:

S. 72. For the suppression of lynching and mob violence in the State of Alabama; to require the presiding judges of the circuit court to make written report to the attorney general of every such occurrence within their circuits; to make mandatory the bringing of impeachment proceedings against a sheriff from whose custody or from the custody of whose deputies or jailers a prisoner is taken; to provide that the taking of a prisoner from such custody by a mob shall be *prima facie* evidence of willful neglect of duty and incompetency on the part of the sheriff.

And on motion of Mr. Rogers of Sumter, was tabled.

UNFINISHED BUSINESS.

The bill:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up.

And the amendment which was pending when the above bill was under consideration the last legislative day and which was

offered by Mr. Leith, was withdrawn by the consent of the Senate.

Mr. Acker offered the following amendment:

Amend said bill by striking out section three and inserting in lieu thereof the following:

Section three. Service of process in such action against such organization or association shall be had by service upon any officer or official member of such organization or association, or upon any officer or official member of any branch or local of such organization or association, provided that any such organization or association may file with the secretary of State a designated officer or agent upon whom service shall be had and his residence within the State and if such designation is so made and filed, service of process shall be had only on the officer or agent so designated if he can be found within the State.

Which was adopted.

Yeas, 21; Nays, 3.

Yeas:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Beale	Espy	Moore	Sims
Bedsole	Evins	Morris	Smith (Coosa)
Butler	Harper	Phillips	Tally
Carmichael	Kelly	Prestwood	Webb
Cowan			—21

Nays:

Messrs:

Craft	Leith	West	—3
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And said bill as thus amended was read a third time at length and passed.

Yeas, 17; Nays, 7.

Yeas:

Messrs:

Acker	Espy	Moore	Sims
Beale	Evins	Morris	Smith (Coosa)
Bedsole	Kelly	Prestwood	Tally
Carlton	Miller	Rogers (Lauderdale)	Webb
Cowan			—17

Nays:

Messrs:

Baker	Craft	Phillips	West
Carmichael	Leith	Tasley	—7

PAIRS ANNOUNCED.

Mr. Ellis announced that he was paired with Mr. McDowell and if Mr. McDowell were present he would vote yea and that he, Mr. Ellis, would vote no on the bill and amendments.

Mr. Harper announced that he was paired with Mr. Caffey on the bill and amendments and that if Mr. Caffey were present he would vote yea and that he, Mr. Harper, would vote no.

Mr. Butler announced that he and Mr. Nance were paired on the bill and amendments and that if Mr. Nance were present he would vote no and that he, Mr. Butler, would vote yea.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 19. To appropriate fifty-five thousand (\$55,000) dollars for defraying the expenses of the special session of the Legislature of Alabama, and to provide the manner of paying certain traveling expenses incurred by the Legislature for a special train for the use of the Legislature.

Fred H. Gormley,
Clerk.

SIGNING OF BILL.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bill:

H. 19. To appropriate fifty-five thousand (\$55,000) dollars for defraying the expenses of the special session of the Legislature of Alabama, and to provide the manner of paying certain traveling expenses incurred by the Legislature for a special train for the use of the Legislature.

BILL AND AMENDMENTS INDEFINITELY POSTPONED.

The bill:

S. 13. To amend section 7814 of the Code of Alabama, 1907.

Was taken up.

On motion of Mr. Teasley, the bill and pending amendments were indefinitely postponed.

Yeas, 14; Nays, 12.

Yeas:

Messrs:

Baker	Evins
Carlton	Harper
Cowan	Leith
Craft	Moore

Prestwood	Sims
Rogers (Lauderdale)	Tally
Rogers (Sumter)	Teasley

Nays:

Messrs:

Acker

Beale

Bedsole

Butler

Carmichael

Espy

Kelly

Miller

Morris

Phillips

Webb

West

—12

PAIR ANNOUNCED.

Mr. Ellis announced that he was paired on this vote with Mr. McDowell, and that if Mr. McDowell were present he would vote yea, and that he, Mr. Ellis, would vote no.

BILLS ON THIRD READING RESUMED.

The bill:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

Was read a third time at length and lost.

Yeas, 16; Nays, 10.

Yeas:

Messrs:

Acker

Bedsole

Butler

Carlton

Carmichael

Cowan

Craft

Ellis

Espy

Evins

Miller

Morris

Rogers (Sumter)

Sims

Smith (Coosa)

Tally

—16

Nays:

Messrs:

Baker

Beale

Harper

Kelly

Leith

Moore

Phillips

Prestwood

Webb

West

—10

The bill:

S. 32. To provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Was taken up.

Which on motion of Mr. Craft was indefinitely postponed.

The bill:

S. 75. To repeal an act entitled "An act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violation thereof," approved August 25, 1915.

Was taken up.

And on motion of Mr. Webb was indefinitely postponed.

The bill:

S. 65. To provide for the election of a trustee for the Alabama State Department of Archives and History for the State of Alabama for the tenth congressional district of Alabama.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 23; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Miller	Smith (Coosa)
Beale	Ellis	Moore	Tally
Bedsole	Evins	Morris	Teasley
Brown	Harper	Phillips	Webb
Caffey	Kelly	Rogers (Lauderdale)	West
Cowan	Leith	Sims	

—23

Nays:—None.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills, beg leave to report that said committee, in session, have compared the following enrolled bills, with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

S. 19. To appropriate seventy-five thousand dollars (\$75,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

S. 19. To appropriate seventy-five thousand dollars (\$75,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said training school for girls.

MESSAGE FROM THE GOVERNOR.

To the Senate of Alabama:

I am directed by the governor to hand you herewith his message concerning a bill now pending before you.

W. A. Darden,
Secretary to the Governor.

October 24, 1921.

To the Legislature of Alabama:

I send you herewith a copy of a letter prepared by Hon. Thos. C. McClellan, a justice of the Supreme Court of Alabama, in support of the recommendation contained in my message of October 4th proposing the enactment of a bill to provide that the advice of the justices of the Supreme Court may be furnished to the governor and the Legislature concerning the constitutionality of bills pending in the Legislature.

I trust the argument of Judge McClellan will be carefully read and earnestly considered by each and every Senator and Representative. Spe-

cial attention is called to the addenda which contains precedents from nine states of the Union, most of them being constitutional provisions.

Had a bill similar to the one now before you been enacted at your session of 1919 not less than \$100,000 would have been saved in expenses of holding elections and for this special session, which would not have been necessary, and 30,000 soldiers, sailors and marines would not have been disfranchised.

We have no assurance that succeeding legislatures will be less liable to err in matters of constitutional procedure than this one and, therefore, I earnestly urge you to provide some such reasonable means of prevention as is proposed in the pending bill.

Respectfully,
Thos. E. Kilby,
Governor.

October 24, 1921.

SUPREME COURT OF ALABAMA
MONTGOMERY

18th October, 1921.

Governor Thomas E. Kilby,
Capitol.

My dear Sir: In response to your inquiry with respect to the pending legislative proposal to obtain the individual, merely advisory, "consultative" opinions of the justices of the Supreme Court upon constitutional questions of a general public nature and on "solemn occasions"—questions of law strictly—with the design of having the answers thereto contribute, in advance, precautionary assurance of the constitutional validity of prospective legislation, and with the design of having such answers contribute, in advance, precautionary assurance of the constitutional validity of executive action under existing laws (the justices being authorized to require briefs from the attorney general and to invite written argument from other attorneys, upon written questions propounded to the justices): the following is a statement of my views:

It is essential to a clear understanding and a sound estimation of the subject of your inquiry—the pending legislative proposal—that these discriminative considerations be borne in mind: (a) That the pending proposal does not contemplate the advice or advisory opinions of the justices upon any matter relating to the discretion, wisdom, desirability, or policy of legislative or executive action; (b) that the merely advisory opinions contemplated are those of the individual justices, not of the Supreme Court in its judicial capacity; (c) that written requests for the merely advisory opinions contemplated must involve constitutional questions upon matters or subjects of a general public nature or on "solemn occasions" of like nature—not advice upon questions involved in the ascertainment or declaration of private right or interest; (d) that the opinions (responses to written inquiries) contemplated are designed to be advisory, "consultative" only, not concluding or binding the Legislature or executive propounding the written inquiry or the justices responding thereto, the Legislature or the executive being entirely free to accept or reject the advisory opinions given; and (e) that in aid of the efficiency of the non-judicial service contemplated by the pending proposal, the justices may require the written argument of the attorney general and may invite or receive written argument from other attorneys upon concrete inquiries propounded to the justices.

Neither the object sought to be attained by the practice proposed nor the method—through the judges—to effect this object's accomplishment is at all novel or startling. It is in no sense an innovation. The idea the present proposal would develop and apply—within restricted, proper limits un-

der our form of constitutional government—has been acted upon and applied for centuries by the English House of Lords, and by many of the greatest of English judges, in the process of legislation by the House of Lords. See 126 Massachusetts Reports, pp. 561 et seq., for interesting historical recital.

In England this practice of taking, in advance of legislative action, the merely consultative opinions of the judges resulted from the fact that the judges interrogated were of the Estates of the Realm; but, notwithstanding this circumstance, it is evident that the example afforded by the long honored practice in England—much broader, however, than is designed in the present proposal—deserves consideration at least for its effect as an influential precedent for the practice likewise established and prevailing, in varying forms, in many of our American states.

In America, in varying forms and through somewhat different method and scope, the practice contemplated in the pending proposal has been adopted and illustrated in the constitutions, the organic laws, of Massachusetts, Maine, New Hampshire, Rhode Island, Florida, Colorado, and South Dakota; in the statutes of Vermont since 1864; and in the response of the Kentucky judges (in 1881), without warrant in either constitution or statute, to an important constitutional question propounded by the governor of the state.

Copies of the provisions of the constitutions of the states enumerated touching this subject, and a copy of the Vermont statute, are hereto attached.

The provision of the Constitution of Massachusetts requiring advisory opinions by the judges of that state's highest court has been in the Constitution of Massachusetts since 1780—more than 140 years. Notwithstanding recent revision by convention (in 1917-19) of the Constitution of Massachusetts, the provision for advisory opinions is retained without change). The other New England states mentioned have retained for scores of years similar provisions in their organic laws.

Colorado amended its Constitution in 1885 to impose the duty of giving such advisory opinions upon the Supreme Court itself.

Florida has had its organic provision for very many years.

Evidently none of these states have found that the practice involved, either in declaration or observance, any sacrifice of the independence of the judicial, legislative or executive departments, or any menace to private or public right. It is not conceivable that, for instance, the enlightened and conservative state of Massachusetts would tolerate, much less have recently reaffirmed in constitutional convention, the practice of taking the advisory opinions of its judges if the practice had been unsatisfactory, sacrificial or prejudicial after over an hundred years of experience. No state's court of last resort has excelled or now excels Massachusetts in the greatness and universally recognized judicial prestige of that State's highest court; and, hence, it is fair to conclude, from that state's example and persistence in the deliberate retention of the practice of taking the advisory opinions of its judges, that from the practice no unfavorable or prejudicial consequences whatsoever have resulted to any of its governmental functions, or that thereby any private or public right has been at all prejudiced in the supreme or other courts of Massachusetts.

The pending proposal violates no provision of the Constitution of Alabama. Sections 42 and 43 of our Constitution distribute the powers of government into three distinct departments, executive, legislative, and judicial; and prohibit the exercise by one department of the powers of the other departments, or either of them, except in instances expressly directed or permitted. The prohibition expressed in section 43, restricting the several departments to their respective departmental functions, is addressed to the departments, that section being (to quote the Report of the Committee on

Preamble, etc., Lomax, Chairman.—Journal of the Constitutional Convention, page 361, referring to section 38 of the report, now section 43 of the Constitution) “a new section, prohibiting the exercise by one department of the government of any of the functions of either of the other departments.” Doubtless the drafting of this “new section” and the omission of section 2 of article III of the Constitution of 1875 was the result of proper regard for the illuminating discussion, by Justice Head, in *Fox v. McDonald*, 101 Alabama, p. 51. Section 2 of article III of the elder organic law was directed, so far as its terms went, to the restraint of persons serving in the respective departments; not, as now (section 43), to departmental restraint within the spheres of the Constitution prescribes. In *Fox v. McDonald*, supra, it was, in effect, declared that even under the terms of section 2 of article III (of the Constitution of 1875)—now omitted—the former organic law only restricted the departmental functions to their prescribed spheres, leaving to the legislative selection, creation and discretion the means, and the personnel thereof, wherewith governmental functions outside of those assigned by the Constitution to a particular department, officer, body or functionary, might be performed; and the further pronouncement was that the nature of the function contemplated by an enactment did not determine exclusively the department to which it might be assigned for performance, unless the power sought to be conferred is expressly or by necessary implication in the Constitution referred to the “exclusive exercise” of a particular department or officer.

The Constitution makes no reference to advisory, consultative opinions by the justices. Such opinions are non-judicial—this for the obvious reason that they do not conclude any right or remedy; result in no judgment or decree; bind no one whatsoever. “The giving of advisory opinions is not the exercise of the judicial function at all, and the opinions thus given have not the quality of judicial authority.”—Annotated Cases, 1916 C, p. 739. (The giving of merely advisory, consultative opinions not being “the exercise of a judicial function,” their requirement of individuals, justices though they be, is not the imposition of a judicial duty or function; and, hence, the exaction is not the imposition or delegation to other than the judicial department of a judicial function.) Neither would such a requirement of merely advisory opinions upon request involve a delegation or subordination, in any degree, of legislative or executive power—this for the reason that the proponent of a constitutional inquiry, whether the legislature or the executive, would be entirely free to accept or to reject the response given upon request.

If, however (for the occasion only), the unsound premise is assumed that the practice of requiring advisory opinions of the justices upon constitutional questions is a function judicial in nature, the following provision of section 139 of the Constitution would seem directly to authorize the Legislature to impose the stated duty and to regulate its performance: The judicial power (otherwise than therein prescribed) of the State may be exercised “by such persons as may be by law invested with powers of a judicial nature,”—the Constitution being wholly silent with respect to this particular character of function, namely: the giving of merely advisory opinions upon request. This provision commits the choice of the agencies, the persons, to be so invested with judicial power to the law-making department; and there is no constitutional restriction that forbids the selection of the justices as the agency for the discharge of the proposed function.

The pending proposal being, in the writer's judgment, free from constitutional objection, the only other factor in your inquiry is the policy of its acceptance in our State.

The constitutions, Federal and state, are supreme laws. All departments and all officers under Alabama's government are constantly bound by them; are sworn to support them. In the process of legislative or executive action these supreme laws demand submission, conformity, obedience

to their authority. Any agency that would substantially contribute to give precautionary assurance of conformity, obedience to these supreme laws, in respect of matters or subjects of a general public nature, is necessarily desirable; and, if made available, such an agency would be a preservative and conservative force of incalculable value and advantage to the State and its people. Recent experience, to consult no other, confirms this statement. Had the proposed practice been established at the time, it is not possible that either the road bond amendment or the soldiers' and sailors' poll tax exemption amendment would have possessed the constitutional infirmities that caused their annulment. Their faults would have been detected in time to have allowed legislative correction—thereby avoiding unfortunate confusion, serious disappointment and resentment, the resulting loss of the large sums expended in conducting the elections thereon, and the creation of the necessity for calling the present extra session of the Legislature. Other instances where this practice would have served its conservative purpose might be readily recalled.

There is, in my judgment, no real merit in the suggestion that to invoke the merely advisory opinions of the justices, upon constitutional questions involving matters of a general public nature and on "solemn occasions" of like nature would operate to invite the justices to pre-judge concrete causes that may later come to the Supreme Court for decision. Several reasons justify this conclusion. First, such advisory opinions would very often pertain to matters or questions, of the general public nature stated, that never will or never can come to the Supreme Court's appellate consideration or decision. For instance, in all cases where the Legislature or the executive did no act raising the constitutional inquiry upon which an advisory opinion had been requested, the subject of the response could not come before the Supreme Court for judicial decision. Second, since only a person prejudiced by official act, legislative or executive, can litigate in his private capacity or have judicially determined a constitutional question, it cannot be at all certain that the subject of such advisory opinion will be presented for decision in a concrete case. Third, the decision by the Supreme Court in a concrete case on a constitutional question always contains this factor that would be wholly absent in a response by the justices to a request for a merely advisory opinion on the same question, pending action, namely: that in judicially testing the constitutionality of legislative or executive action the Supreme Court always enters upon the inquiry of constitutional validity *vel non* with the presumption, suggested by deference due from one department to another, that the other department has not violated or ignored the Constitution; and this judicial presumption requires the sustaining of the legislative or executive act unless its invalidity appears beyond a reasonable doubt. In the observance of the practice the pending proposal would establish, responses by the justices would not involve recourse to or recognition of the stated presumption pending action by the interrogation.

The pending proposal, for obtaining the merely advisory opinions of the justices upon constitutional questions of a general public nature, evinces the highest permissible form of procedure to preserve constitutional government:—it comprehends the observance of the authority of the State and Federal constitutions, and is designed to contribute, in advance, to the avoidance of their violation; it manifests a quickening of the sense of responsibility to submission and conformity to the constitutions on the part of all who owe that supreme duty to the governments, state and national. If the practice is established, the justices of the Supreme Court will have ample opportunity to render the great public service contemplated.

The practice proposed is too conservative of governmental welfare, too pregnant with preservative, precautionary good to the State and its people to be embarrassed or encumbered, at this time, by any question of compensation to the justices for the distinctive service contemplated.

In my judgment, the pending proposal is entirely sound, and should be accepted in the public interest.

Respectfully yours,
(Signed) Thos. C. McClellan.

ADDENDA.

AMERICAN PRECEDENTS FOR ADVISORY OPINIONS.

A. The Constitution of Massachusetts provides:

Chapter III.

Article II. "Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions."

B. The Constitution of Maine provides:

Article VI.

Section 3. "They (the justices of the supreme judicial court) shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the governor, council, senate, or house of representatives."

C. The Constitution of New Hampshire provides:

Article 73. "Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions."

D. The Constitution of South Dakota provides:

Section 13. "The governor shall have authority to require the opinions of the judges of the supreme court upon important questions involved in the exercise of his executive powers and upon solemn occasions."

E. The Constitution of Colorado provides:

Article VI.

Section 3. " * * * The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decisions of said court."

F. The Constitution of Florida provides:

Article IV.

Section 13. "The governor may, at any time, require the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties, and the justices shall render such opinion in writing."

G. The Constitution of Rhode Island provides:

Article X.

Section 2. "The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly."

H. The Public Statutes of Vermont, 1906, provide:

Section 1341. "The governor, when the interests of the state demand it, may require the opinion of the judges of the supreme court, or a majority of them, upon questions of law connected with the discharge of his duties. And the judges of the supreme court, or any of them, shall give an opinion in writing upon such questions."

I. Kentucky's recognition of the practice, without warrant in constitution or statute, appears in the advisory opinion of the justices, volume 79 of Kentucky Reports, pages 621 to 633, delivered in 1881.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

And ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing message from the House was read one time and referred by the presiding officer of the Senate to the Standing Committee on Judiciary.

VOTE RECONSIDERED.

The bill:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

Was taken up.

On motion of Mr. Baker, the Senate reconsidered the vote by which the above bill was lost.

Yeas, 18; Nays, 5.

Yeas:

Messrs:

Acker
Baker
Beale
Bedsole
Butler

Carlton
Carmichael
Cowan
Ellis
Espy

Evins
Kelly
Miller
Morris

Prestwood
Rogers (Lauderdale)
Smith (Coosa)
Tally

—18

Nays:

Messrs:

Harper
Leith

Moore

Phillips

Webb

—5

And on motion of Mr. Tally the Senate also reconsidered the vote by which the bill was ordered to its engrossment and third reading.

ADJOURNMENT.

On motion of Mr. Acker, the Senate at 5:10 P. M. adjourned to meet tomorrow morning at 11 o'clock.

FIFTEENTH DAY.

Wednesday, October 25, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Bennett, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Cowan	Miller	Rogers (Sumter)
Baker	Craft	Moore	Sims
Beale	Ellis	Morris	Smith (Coosa)
Bedsole	Espy	McDowell	Tally
Brown	Evins	Nance	Teasley
Butler	Harper	Phillips	Webb
Carlton	Kelly	Prestwood	West
Carmichael	Leith	Rogers (Lauderdale)	

—31

JOURNAL.

On motion of Mr. Rogers of Sumter, the reading of the Journal of yesterday was dispensed with.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Sumter (with notice and proof):

S. 80. To pay the town of Livingston for a school building and lot conveyed by said town to the State for the State Normal School located at Livingston.

Finance and Taxation.

Notice and proof thereto attached and herewith exhibited as follows:

IMPORTANT NOTICE.

Notice is hereby given as provided by law that a bill will be introduced in the Legislature of Alabama for the appropriation of the sum of twenty

thousand dollars to reimburse or pay the town of Livingston for a school building and lot conveyed by said town to the State of Alabama for the State Normal School.

M. E. McConnell, Mayor.

The State of Alabama, }
Sumter County. }

Before me, H. J. Wallace, a notary public in and for said State and county, personally came S. E. Hill, who being by me first duly sworn, deposes and says: that he is the editor of the Sumter County Journal, a weekly newspaper published in Sumter county, Alabama; that the attached notice of a bill to be introduced in the Legislature of Alabama to pay the town of Livingston for a school building and lot conveyed by the town of Livingston to the State of Alabama for the State Normal School, was published in said Sumter County Journal for four consecutive weeks, being in the issues of September 30th, 1921; October 7th, October 14th and October 21st, 1921.

S. E. Hill.

Sworn to and subscribed before me on this the 21st day of October, 1921.

H. J. Wallace,
Notary Public, Sumter County, Alabama.

By Mr. Morris (with notice and proof) :

S. 81. To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

Local Legislation.

Notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL.

Notice is hereby given that at the approaching extraordinary session of the Legislature of Alabama a local bill for Dale county will be introduced, and that this bill will be in substance and to the effect as follows:

A bill to be entitled an act to provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

The Constitution of Alabama requires that local bills be advertised for four weeks in a paper published in the county to be affected by the operation of the proposed bill. If the forthcoming extra session of the Legislature remains in session long enough for me to give the above bill the necessary advertising, I will introduce it and work to have it passed. Should adjournment come before the four weeks advertising, it cannot, of course, be introduced.

Very truly,
Frank O. Deese.

State of Alabama, }
 Dale County. }

I, John Q. Adams, hereby certify that I am the owner and publisher of The Southern Star, a weekly newspaper published at Ozark, Dale county, Alabama, and that notice of the proposed bill hereto attached has been given for four successive weeks as required by the Constitution of Alabama in the case of local bills.

John Q. Adams.

October 25, 1921.

Before me, Peter A. Brannon, a notary public, in and for the said county of Montgomery, appeared this October 25, 1921, the said John Q. Adams, who certifies that the signature to the above statement is his.

Done at Montgomery, this October 25, 1921.

Peter A. Brannon,
 Notary Public.

By Mr. Teasley:

S. 82. To provide that women shall have the same rights, privileges and immunities under the law as men.

Judiciary.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Tompkins (with substitute):

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Mr. Butler, chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was severally read a second time and placed on the calendar, to-wit:

By Mr. Baker:

S. 69. To prohibit the imposition or collection of any State, county, or municipal license or special tax, on any vehicle or team, which is used principally for purposes of farming, or the marketing of farm products by or for the producer of such products.

GOVERNOR'S MESSAGE.

To the Senate of Alabama:

I herewith return Senate bill No. 6 with the following amendment:

"Amend section 2 of the bill by inserting the words 'section 1' in lieu of the words 'section 2' where the same immediately follow the words 'benefit of' and also where said words, 'section 2' immediately follow the words 'circumstances named in.'"

This amendment is for the purpose of correcting apparent clerical errors.

Respectfully,
Thomas E. Kilby,
Governor.

October 25, 1921.

GOVERNOR'S MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the proposed amendment to the bill set out in the foregoing message from the governor.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Rogers (Sumter)
Baker	Craft	Miller	Smith (Coosa)
Beale	Ellis	Moore	Tally
Bedsole	Espy	McDowell	Webb
Brown	Evins	Phillips	West
Butler	Kelly		

—21

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has refused to concur in the Senate amendment to the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And asks for a committee of conference. Conferees on part of the House, Messrs. Orr, Tompkins and Sparks.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate acceded to request of the House in above and foregoing message, and the President of the Senate named as conferees on part of the Senate, Messrs. Rogers of Sumter, Brown and Kelly.

RESOLUTION.

Mr. Carmichael offered the following resolution:

S. J. R. 32. Resolved by the Senate, the House concurring, that it is the sense of the Legislature that only elective State officers are included within the invitation to accompany the Legislature, its officers and clerks to attend Birmingham's semi-centennial celebration.

Resolved further, that this is a legislative construction of the joint resolution heretofore adopted.

Which was adopted under a suspension of the rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment offered by the governor to the bill:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

By a vote of, yeas, 74; nays, 0, and returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendment to the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 32, relative to those who are entitled to the privileges of the special train to Birmingham tomorrow.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

BILLS ON THIRD READING.

The bill:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

Was read a third time at length and passed.

Yeas, 22; Nays, 2.

Yeas:

Messrs:

Acker	Craft	Miller	Sims
Beale	Ellis	McDowell	Smith (Coosa)
Bedsole	Espy	Phillips	Tally
Brown	Evins	Rogers (Lauderdale)	Webb
Butler	Kelly	Rogers (Sumter)	West
Carlton	Leith		

—22

Nays:

Messrs:

Baker Prestwood

—2

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment proposed by the Senate to the bill:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

By a vote of, Yeas, 62; Nays, 3.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama. To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or

trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

ADJOURNMENT.

On motion of Mr. Rogers of Sumter, the Senate at 1:05 recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

Wednesday, October 25, 1921.

The Senate reassembled at 3 P. M., with President Pro-Tem Bedsole, presiding.

On a call of the roll 25 Senators answered to their names, a quorum of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has concurred in and adopted S. J. R. No. 29.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bills, your signature thereto is requested:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Also:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Also:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920,

and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

Fred H. Gormley,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not ex-

ceeding \$2,500 per annum for county purposes not otherwise provided for by law.

H. 78. To repeal an act entitled "an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved September 30, 1919.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following House joint resolution:

By Mr. Waddell:

H. J. R. 41. Whereas, there was appointed a joint committee of the House and Senate of the Legislature of Alabama at the regular session 1919, for the purpose of investigating the highway department and the convict department which committee made its formal report to the regular session of the Legislature of 1919.

And whereas, said committee was required by the governor to meet and investigate the convict department for the purpose of making a report on said department to the special session of the Legislature of Alabama;

And whereas, it is uncertain whether or not under the provisions of the law the members of said committee are entitled to be paid their per diem during the time they were engaged in making such investigation;

Now therefore, be it resolved by the House, the Senate concurring, that the members of said committee be paid their per diem for each day engaged in the investigation of said convict department, and that the same be paid out of the appropriation

heretofore made for the expenses of this special session of the Legislature of Alabama.

And sends same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The above resolution set out in the foregoing message from the House was read one time and referred to the Standing Committee on Rules.

BILLS ON THIRD READING.

The bill:

S. 78. To amend an act entitled an act to provide for instruction in regard to the humane protection of animals in the public schools, approved September 29, 1919.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 25; Nays, 1.

Yeas:

Messrs:

Acker	Cowan	Kelly	Sims
Beale	Craft	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Tally
Brown	Espy	McDowell	Teasley
Butler	Evins	Rogers (Lauderdale)	Webb
Carlton	Harper	Rogers (Sumter)	West
Carmichael			

—25

Nays:

Mr. Leith—1.

UNFINISHED BUSINESS.

The bill:

S. 70. To propose an amendment to the Constitution of Alabama, abolishing the office and department of agriculture and industries, and to vest the rights, powers, and duties of that office and department in the Alabama Polytechnic Institute, formerly called the agricultural and mechanical college.

Was taken up as unfinished business and was read a third time at length and lost by reason of not having received sufficient votes as required by the Constitution.

Yeas, 19; Nays, 9.

Yeas:

Messrs:

Butler	Espy	McDowell	Smith (Coosa)
Carlton	Evins	Phillips	Tally
Carmichael	Kelly	Rogers (Lauderdale)	Teasley
Cowan	Miller	Rogers (Sumter)	Webb
Ellis	Moore	Sims	

—19

Nays :

Messrs :

Baker

Beale

Bedsole

Brown

Harper

Leith

Morris

Prestwood

West

—9

BILLS ON THIRD READING RESUMED.

The bill:

S. 57. To divide the State into judicial circuits for the circuit court to be numbered and composed of the counties named.

Was taken up.

Mr. Acker offered the following substitute:

A BILL

To be entitled an act to divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named.

Be it enacted by the Legislature of Alabama:

Section 1. That the State of Alabama is hereby divided into judicial circuits for the circuit court, which circuits are numbered and composed of counties as follows:

First Circuit—Choctaw, Clarke and Washington;

Second Circuit—Butler, Crenshaw and Lowndes;

Third Circuit—Barbour, Bullock, Dale and Russell;

Fourth Circuit—Bibb, Dallas, Hale, Perry and Wilcox;

Fifth Circuit—Chambers, Lee and Macon;

Sixth Circuit—Tuscaloosa;

Seventh Circuit—Calhoun, Cleburne and Talladega;

Eighth Circuit—Cullman, Lawrence, Limestone, Madison and Morgan;

Ninth Circuit—Cherokee, DeKalb, Jackson and Marshall;

Tenth Circuit—Jefferson;

Eleventh Circuit—Colbert, Franklin and Lauderdale;

Twelfth Circuit—Coffee, Covington and Pike;

Thirteenth Circuit—Mobile;

Fourteenth Circuit—Fayette, Lamar, Marion, Walker and Winston;

Fifteenth Circuit—Montgomery;

Sixteenth Circuit—Blount, Etowah and St. Clair;

Seventeenth Circuit—Greene, Marengo, Pickens and Sumter;

Eighteenth Circuit—Clay, Coosa, Randolph, Shelby and Tallapoosa;

Nineteenth Circuit—Autauga, Chilton and Elmore;

Twentieth Circuit—Geneva, Henry and Houston;

Twenty-first Circuit—Baldwin, Conecuh, Escambia and Monroe.

Section 2. This act shall take effect on the first Monday after the second Tuesday in January, 1923, except that this act shall

authorize the nomination and election of judges and solicitors of said circuits as hereby constituted, in 1922; and as to such elections this act shall take effect upon its passage and approval.

Section 3. That if any section, clause or provision of this act shall be declared to be unconstitutional, it shall not be held to affect any other section, clause or provision, but the same shall remain in full force and effect.

Section 4. That all laws, general, special or local, in conflict with any of the provisions of this act be and the same are hereby repealed.

Mr. Webb offered the following amendment to the substitute:

"Amend substitute to Senate bill No. 57 by striking from the eighteenth circuit the word "Randolph" and by adding Randolph to the fifth circuit."

Which on motion of Mr. Phillips was tabled.

The question then recurred on the adoption of the substitute, which was adopted.

Yeas, 19; Nays, 4.

Yeas:

Messrs:

Acker	Carmichael	Miller	Sims
Beale	Cowan	Morris	Smith (Coosa)
Bedsole	Craft	McDowell	Tally
Brown	Ellis	Phillips	Teasley
Butler	Kelly	Prestwood	

—19

Nays:

Messrs:

Harper	Leith	Webb	West
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—4

Mr. Webb offered the following amendment to the substitute:

Amend Senate bill No. 57 by striking from the eighteenth circuit the word "Randolph" and adding "Randolph" to the fifth circuit.

Mr. Phillips moved that the amendment be tabled, but the motion to table was lost, then the question recurred on the adoption of the amendment by Mr. Webb, which was adopted.

Yeas, 15; Nays, 4.

Yeas:

Messrs:

Acker	Carmichael	Miller	Smith (Coosa)
Bedsole	Ellis	Morris	Tally
Butler	Espy	McDowell	Webb
Carlton	Kelly	Prestwood	

—15

Nays:

Messrs:

Harper	Leith	Phillips	Rogers (Sumter)
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—4

Mr. Harper offered the following amendment to the substitute:

Amend substitute to Senate bill 57 by striking therefrom the word "Tuscaloosa."

Mr. Acker moved to table the above amendment offered by Mr. Harper and said motion to table prevailed.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 22; Nays, 4.

Yeas:

Messrs:

Acker	Cowan	Moore	Rogers (Sumter)
Bedsole	Craft	Morris	Sims
Brown	Ellis	McDowell	Smith (Coosa)
Butler	Espy	Prestwood	Tally
Carlton	Kelly	Rogers (Lauderdale)	Webb
Carmichael	Miller		

—22

Nays:

Messrs:

Harper	Leith	Phillips	West
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—4

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the report of the committee of conference on the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And sends said bill, together with the report of the committee of conference, to the Senate:

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 45

To the Speaker of the House of Representatives, and to the President of the Senate:

Your Committee of Conference beg leave to make the following unanimous report:

We recommend that the House concur in the following Senate amendments, which amendments are as follows:

"Amend section 8, House bill No. 45, as follows:

"After the words 'any county or municipal official who' insert the words 'willfully and without just excuse.'"

"Amend section 11 of H. bill 45 by striking therefrom the words: 'Provided they must provide a way for the public to travel.'"

"Amend section 18 by adding after the word 'such' in the fourth line the word 'buildings.'"

We also recommend that the House non-concur in the Senate amendment which reads as follows:

"Amend section 1, line 25, after the two words 'expired term' and beginning a new sentence in lieu of the word 'seven' insert the word 'three' so that it shall read 'three of the members of the State highway commission shall constitute quorum, etc.'"

And that the Senate recede from its action as to this last Senate amendment above set forth.

Respectfully submitted,

Jno. Rogers,
Watt T. Brown,
Riley Kelly,
Committee on part of Senate.
O. L. Tompkins,
Thos. E. Orr,
Chauncey Spann,
Committee on part of House.
Fred H. Gormley,
Clerk.

On motion of Mr. Rogers of Sumter, the Senate concurred in and adopted the report of the Committee on Conference to the House bill as set out in the foregoing message from the House.

Yeas, 25; Nays, 2.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Sims
Baker	Cowan	Miller	Smith (Coosa)
Beale	Craft	Morris	Tally
Bedsole	Ellis	McDowell	Teasley
Brown	Evins	Phillips	Webb
Butler	Harper	Rogers (Sumter)	West
Carlton			

—25

Nays:

Messrs:

Leith Prestwood

—2

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bill with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters sub-

ject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama." To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.
By Mr. Craft:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama." To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a

license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Tompkins:

H. J. R. 43. Be it resolved by the House, the Senate concurring, that the legislative special train heretofore ordered by joint resolution, leave Birmingham on the return trip to Montgomery at 6:30 o'clock, Wednesday, October 26, 1921.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

Mr. Brown offered the following amendment to the resolution as set out in the foregoing message from the House:

Amend the resolution by making it read 12 o'clock instead of 6:30 o'clock.

Which was adopted and concurred in.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows

By Mr. West:

S. 83. To amend an act approved September 5th, 1919, entitled, "An act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women within

their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Local Legislation.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has non-concurred in the Senate amendment to H. J. R. 43, relative to the return trip from Birmingham, and requests committee of conference. House conferees, Messrs. Tunstall, Austin and Fuller.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The Senate accedes to the request of the House for a committee of conference on the disagreement of the two houses relative to the time of departure and arrival on the Birmingham trip, and the Senate named as conference committee, Messrs. Carmichael, West and McDowell.

BILL INDEFINITELY POSTPONED.

The bill:

H. 56. To repeal section 1411 of the Code of Alabama of 1907 as amended by the act to amend section 1411 of the Code of Alabama of 1907 approved October 12th, 1920.

Was taken up.

On motion of Mr. Ellis was indefinitely postponed.

BILLS ON THIRD READING RESUMED.

The bill:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

Mr. Tally offered the following amendment:

Amend Senate bill No. 55 so that section 1 will read as follows:

"That the several courts of county commissioners, boards of revenue or other governing bodies of the several counties of this State are hereby authorized to lease or hire all county convicts for not longer than one year at any one time to be employed in the State except for mining coal or working in coal mines.

Which was adopted.

Yeas, 24; Nays, 1.

Yeas:

Messrs:

Acker

Baker

Beale

Redsole

Brown

Butler

Caffey

Carmichael

Cowan	Evins	McDowell	Tally
Craft	Kelly	Phillips	Teasley
Ellis	Miller	Prestwood	Webb
Espy	Morris	Smith (Coosa)	West

—24

Nays:

Mr. Leith—1.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 28; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Kelly	Prestwood
Baker	Cowan	Leith	Rogers (Lauderdale)
Beale	Craft	Miller	Sims
Bedsole	Ellis	Moore	Smith (Coosa)
Brown	Espy	Morris	Tally
Butler	Evins	McDowell	Webb
Carlton	Harper	Phillips	West

—28

Nays:—None.

The bill:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Was read a third time at length and passed.

Yeas, 29; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Leith	Rogers (Sumter)
Baker	Craft	Moore	Sims
Beale	Ellis	Morris	Smith (Coosa)
Bedsole	Espy	McDowell	Tally
Brown	Evins	Phillips	Teasley
Butler	Harper	Prestwood	Webb
Carlton	Kelly	Rogers (Lauderdale)	West
Carmichael			

—29

Nays:—None.

ADJOURNMENT.

On motion of Mr. Ellis the Senate at 5:15 adjourned to meet Thursday morning at 10 o'clock, in accordance to joint resolution heretofore adopted.

SIXTEENTH DAY.

Thursday, October 27, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Wallace, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Cowan	Leith	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Bedsole	Espy	Morris	Smith (Coosa)
Brown	Evins	McDowell	Smith (Lawrence)
Caffey	Harper	Nance	Tally
Carlton	Huddleston	Phillips	Teasley
Carmichael	Kelly	Prestwood	West

—32

JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with.

RESOLUTIONS.

Mr. Carmichael offered the following resolution:

S. J. R. 33. Resolved by the Senate, the House concurring, that we had a mighty good time on yesterday at Birmingham's birthday party.

That we are glad to have met President Harding. We like him. He has conscience, conviction, courage. One of the great presidents of our great country.

Resolved further, that we express our thanks to the people of Birmingham, especially to Hon. Sidney J. Bowie and the able executive committee of which he is chairman, for having given us the opportunity to participate in the wonderful celebration of Birmingham's mighty achievements.

Resolved further, that we express our enthusiastic appreciation of the courtesies shown the legislative party by the officers and agents of the Louisville & Nashville Railroad Company.

Which was adopted under a suspension of the rules.

Mr. Craft offered the following resolution:

S. J. R. 34. Be it resolved by the Senate, the House concurring, that the members of the Legislature of Alabama hereby express their hearty appreciation of the wonderful hospitality and numerous courtesies and kindnesses so generously shown them by the Birmingham Semi-Centennial Committee on the

occasion of their visit to the marvelous city of Birmingham, on October 26th, 1921.

Be it further resolved, that we recognize the city of Birmingham as the industrial centre of the South, which demonstrates that the vision of the founders of that city, while confronted with obstacles and difficulties during pioneer days, bravely, zealously and faithfully labored to lay deep and well the foundations of Birmingham, and to make it the present and future centre of the iron market of the world.

Be it further resolved, that the magnificent achievement of the pioneers of Birmingham incontestibly demonstrate the unrivalled possibilities in every other county of the State, if the leaders but recognized the opportunities and had the vision and the determination to convert their resources into finished products, and thereby reap a harvest of rich reward for their labors.

Be it further resolved, that we hereby express our appreciation to the governor and Mrs. Kilby and to the other State officials and their wives, who accompanied us to Birmingham, where as an official party, representing the great State of Alabama, we paid our respects and were formally presented to the President of the United States and to Mrs. Harding.

Be it further resolved, that we express our appreciation to the joint committee of the Senate and House of Representatives, and more especially to Senator West and Senator Carmichael for their untiring labors in affecting arrangements for our trip to Birmingham and return, and in making our official visit to the Magic City a memorable one.

Which was adopted under a suspension of the rules.

Mr. Carmichael offered the following resolution:

S. J. R. 35. Resolved by the Senate, the House concurring, that during the remaining days of the special session of this Legislature, the two houses shall adjourn and recess only on joint resolution.

Resolved further, that the two houses recess today at one o'clock P. M. and re-convene at 3 o'clock P. M.

Which was adopted under a suspension of the rules and sent to the House without engrossment.

REPORTS OF COMMITTEES.

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. West:

S. 83. To amend an act approved September 5th, 1919, entitled an act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such board to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

By Mr. Morris:

S. 81. To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

Mr. Tally, acting chairman of the Standing Committee on Penitentiary, Prison and Prison Punishment, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dansby:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

BILLS ON THIRD READING.

The bill:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker

Baker

Beale

Caffey

Carlton

Carmichael

Cowan

Espy

Evins

Harper

Miller

Morris

McDowell
Phillips
Prestwood

Rogers (Sumter)
Sims

Smith (Coosa)
Tally

Teasley
West

—21

Nays:—None.

The bill:

S. 69. To prohibit the imposition or collection of any State, county or municipal license or special tax, on any vehicle or team, which is used principally for purposes of farming, or the marketing of farm products by or for the producer of such products.

Was taken up.

Mr. Baker offered the following amendment:

Amend caption or title of Senate bill 69 by striking out the words "any vehicle" and inserting in lieu thereof the words "any wagon."

That section 1 of said bill be amended by striking out the words "any vehicle" and inserting in lieu thereof, the words "any wagon."

Which was adopted.

Yeas, 19; Nays, 0.

Yeas:

Messrs:

Acker
Baker
Beale
Carlton
Carmichael

Craft
Ellis
Espy
Evins
Harper

Morris
McDowell
Phillips
Prestwood
Rogers (Sumter)

Sims
Tally
Teasley
West

—19

Nays:—None.

And said bill as thus amended was read a third time at length and passed and ordered sent to the House without engrossment.
Yeas, 21; Nays, 3.

Yeas:

Messrs:

Acker
Baker
Beale
Caffey
Carlton
Carmichael

Cowan
Craft
Ellis
Espy
Evins

Harper
Huddleston
Morris
McDowell
Phillips

Prestwood
Sims
Tally
Teasley
West

—5

Nays:

Messrs:

Kelly

Miller

Rogers (Sumter)

The bill:

S. 33. To provide and submit to the qualified electors of the State of Alabama at an election to be held at the next general

election an amendment to the Constitution of the State of Alabama, whereby the municipal corporation of Mobile, in the State of Alabama, may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one and one-half per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided that the total rate of taxation levied by such municipal corporation shall not in any one year exceed one per centum, unless the rate in excess thereof shall have been submitted to and authorized by ballot by the qualified electors of such municipal corporation at election to be held for such purpose, and to provide for such elections.

Was taken up.

Mr. Craft moved that the bill be indefinitely postponed, and said motion to indefinitely postpone prevailed.

The bill:

S. 76. To provide for the payment of the costs of chartering a special train in which to convey the members of the Legislature from Montgomery, Alabama, to Birmingham, Alabama, and return on the 26th day of October, 1921.

Was taken up.

And on motion of Mr. West was indefinitely postponed.

The bill:

S. 71. To amend section 15 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15th, 1919.

Was taken up.

And on motion of Mr. Craft was indefinitely postponed.

The bill:

S. 36. To provide for obtaining the opinion of the justices of the Supreme Court, or a majority thereof, by the governor upon important constitutional questions and on solemn occasions.

Was read a third time at length and lost.

Yeas, 7; Nays, 18.

Yeas:

Messrs:

Acker
Carmichael

Cowan
Craft

Kelly
Sims

Smith (Coosa) —7

Nays:

Messrs:

Baker
Beale
Caffey
Carlton
Ellis

Espy
Evins
Harper
Huddleston
Miller

Morris
McDowell
Phillips
Prestwood

Rogers (Sumter)
Tally
Teasley
West

—18

The bill:

S. 17. To submit to the qualified voters of the State of Alabama, at the general election to be held on the next general election day in November, 1922, an amendment to section 19 of the Constitution of the State of Alabama, in the bill of rights, so as that said section shall prohibit the confiscation of property, real or personal, for any cause, when such property belongs to any class, kind or quantity of property the title, ownership or possession of which is lawful.

Was read a third time at length and lost.

Yeas, 11; Nays, 13.

Yeas:

Messrs:

Baker	Espy	Huddleston	Tally	
Carlton	Evins	McDowell	West	
Craft	Harper	Rogers (Sumter)		—11

Nays:

Messrs:

Acker	Cowan	Miller	Prestwood	
Beale	Ellis	Morris	Sims	
Caffey	Kelly	Phillips	Smith (Coosa)	
Carmichael				—13

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 35, relative to recess and adjournment of the two houses during the remaining days of the special session.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 33, relative to expression of thanks to executive committee of Birmingham centennial and to Louisville and Nashville railroad.

And returns same to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

And ordered same sent to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing House message was read one time and referred by the presiding officer of the Senate to the Standing Committee on Municipalities and Municipal Organization.

RECESS.

On motion of Mr. Phillips, the Senate at 12:30 P. M., recessed until 3 o'clock this afternoon.

AFTERNOON SESSION.

Thursday, October 27, 1921.

The Senate reassembled at 3 P. M., with Lieutenant Governor Miller, presiding.

On a call of the roll 25 Senators answered to their names, a quorum of the Senate.

INTRODUCTION OF BILLS.

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rogers of Lauderdale (with notice and proof):

S. 84. To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

The State of Alabama, }
Limestone County. }

Personally appeared before me, Young Wall, a notary public in and for said county and State, R. M. Rawls, who being known to me and who being duly and legally sworn, deposes and says that he is the owner of the Alabama Courier, a newspaper of general circulation published weekly in Athens, Limestone county, Alabama; that the notice hereto attached of the intention to apply to the Legislature of Alabama, which convened in special session on October 4, 1921, of the proposed law to repeal an act of the Legislature of Alabama, approved September 14, 1915, together with the bill or proposed law to repeal said act of Sept. 14, 1915, a copy of which notice and proposed law are attached hereto, were published once a week for four consecutive weeks in said Alabama Courier on the following dates:

October 5, 1921, October 12, 1921, October 19, 1921, and October 26, 1921; that said notice and proposed law have been published and have appeared regularly in four weekly issues of said Alabama Courier on the day and dates herein set forth and that a true and exact copy of said notice and said proposed law are attached hereto.

R. M. Rawls,
Owner of Alabama Courier.

Subscribed and sworn to before me this the 26th day of October, 1921.
Young Wall,
Notary Public.

NOTICE.

Notice is hereby given by the undersigned of the intention to apply to the Legislature of Alabama which convened in special session on October 4, 1921, for the passage and the enactment of a bill to repeal an act of the Legislature approved September 14, 1915, and which act is substantially as follows:

"AN ACT"

To provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position.

Section 1. Be it enacted by the Legislature of Alabama,

That the court of county commissioners of Limestone county shall within six months after the approval of this act elect a county engineer who shall be the superintendent of public roads of said county; he shall be provided with a properly furnished office in the county court house or elsewhere in the county seat, and shall hold his office subject to the pleasure of the court of county commissioners. The said county engineer shall have charge of the location, construction, improvement and maintenance of the public roads, bridges and ferries of the county, subject to the general direction of the court of county commissioners; he shall be the custodian of the records of the county concerning roads and bridges, except as herein provided; he shall select all of his subordinate employees, subject to approval of the county commissioners; he shall prepare and approve all plans and specifications; and none of his plans and specifications, orders or directions shall be countermanded or changed except by a specific resolution of the court of county commissioners duly entered on the minutes. The county engineer shall devote his entire time to the duties of his office designated herein and such other duties as shall be assigned to him by the court of county commissioners, provided that he may with the consent of the county commissioners, do surveying or engineering work for private parties for which services he shall charge such fees as the court of county commissioners shall direct and shall pay such fees into the county road and bridge fund. The salary of county engineer shall be fixed by the court of county commissioners, provided that the salary shall not be less than \$1,500.00 per annum, payable monthly. Said engineer, before taking office, shall furnish the county with surety bond in the sum of (\$2,000.00) two thousand dollars.

Section 2. That no person shall be eligible to hold the office of county engineer unless he is a competent civil engineer and experienced in the construction of roads; and unless he shall pass satisfactorily an examination designed to test his fitness for such office. Said examination shall be held under the direction of the State Highway Commission or engineer and under such regulations as it may prescribe.

Section 3. That before any work is done in the construction or improvement of any bridge or road, except necessary maintenance work, the

engineer shall make such surveys as may be necessary. Shall prepare definite plans, specifications and an estimate of the cost of the work and shall submit said plans, specifications and estimate of the cost for the approval of the court of county commissioners with a recommendation as to the best method of doing the work. The court of county commissioners shall pass upon said plans, specifications and estimates and when said plans and specifications are approved, the county engineer shall be authorized to proceed with the work by contract or by force account as the court of county commissioners shall direct. If the court of county commissioners determine to do such work by contract the county engineer shall advertise for bids in a newspaper published in the county, in a daily newspaper of general circulation in the State of Alabama, and by posting a copy of the advertisement at the court house. The said advertisement shall state the general character of the work to be done, the amount of certified check required and the time and place at which bids will be opened. The court of county commissioners shall require all bids to be sealed and to be accompanied by a certified check which shall bind the bidder to enter into a contract in the event of his being awarded the work. If reasonable bids are received for doing the work, the contract shall be awarded to the lowest responsible bidder, provided that the court of county commissioners may reject all bids or they may reject the bid of any contractor who is inexperienced or incompetent or who is known to have a bad record in the performance of public work.

Section 4. That the court of county commissioners may enter into a contract with a contractor for the construction, repair or maintenance of any road, bridge or ferry, or any appurtenance thereto provided that all contracts for construction work be let under the preceding provisions of this act.

Section 5. That any contractor employed to construct or maintain any road, bridge, ferry or any appurtenance thereto shall before entering upon the execution of such work execute a bond payable to the county of Limestone for twice the amount of the contract price; said bond to be made by a surety company approved by the court of county commissioners and conditioned upon the faithful performance of the contract, and the discharge of his duties thereunder.

Section 6. That if the county, any municipality, corporation or person is injured or damaged by the failure of such contractor to faithfully perform his contract and discharge his duties thereunder, an action may be maintained, under such bond to recover such damages as they may have suffered.

Section 7. That the court of county commissioners shall have authority to purchase such materials, supplies, teams, and other equipment as may be necessary in the office or field for properly carrying on the work of construction and maintenance of the public roads, bridges and ferries of the county. The county engineer shall prepare requisitions for such materials and supplies as will be needed for roads and bridges and shall obtain quotations from at least two dealers on such class of article required, and shall submit said requisition to the court of county commissioners, the county engineer shall be authorized to purchase such approved articles at prices not exceeding those specified in the requisition. The county engineer with the approval of the court of county commissioners shall be authorized to employ such assistant engineers, inspectors, rodmen, foremen, overseers, laborers, artisans and teams and to rent such equipment as may be necessary for properly carrying on the work of construction and maintenance of the roads and bridges of the county. The county engineer shall employ a sufficient number of persons to systematically drag dirt roads in the county, as directed by the county engineer and the court of county commissioners; shall fix the price for dragging, so as to allow reasonable wages for the men and teams performing such service.

Section 8. That the county engineer shall require all bills, including estimates allowed contractors and allowances for salaries and expenses, to be made in duplicate. He shall certify as to the correctness of each bill and shall file the duplicate of each bill in his office and will issue a warrant on the county treasurer for the amount of each bill certified by him, the bill and warrant to bear the same serial number. Before a warrant issued by the county engineer shall be made payable it shall have been previously authorized and approved by the court of county commissioners and shall be presented, with its corresponding original bill, to the chairman of the court of county commissioners, who shall countersign said warrant, stamp same approved in his office. This file and that in the county engineer's office shall be preserved as public records and they shall be delivered by the county engineer and the chairman of the court of county commissioners to their respective successors in office. The warrants issued by the county engineer in accordance with the provisions of this act, when countersigned by the chairman of and stamped approved by the court of county commissioners shall be paid by the county treasurer and charged to the county road and bridge fund.

Section 9. That the court of county commissioners, if they deem it advisable, may call upon the State highway engineer for advice upon any question connected with their road work, and such advice shall be furnished free of charge and the said court of county commissioners shall have authority to employ a special engineer to advise them upon any special problem when, in their judgment, the best interest of the public renders such advice necessary, and when a bridge of unusual size or type of construction is to be built the court of county commissioners are authorized to employ a special engineer to design and supervise its construction.

Section 10. That the county engineer shall prepare a map of the county showing the location of all public roads and indicating the character of improvements which have been made on each road. This map shall be revised and brought up to date monthly. A tracing of such map shall be made and deposited for safe keeping in the vault of the probate office; and said tracing shall be brought up to date monthly.

Section 11. That the court of county commissioners shall, with the advice of the county engineer, classify all the public roads of the county into classes designated as first class, second class and third class roads. The lawful widths of rights of way of the several classes of road shall be as follows: First class roads, 50 feet. Second class roads, 40 feet. Third class roads, 30 feet. The widths of traveled ways, the grades and character of improvement of each road shall be determined by the court of county commissioners in view of the requirements of traffic on each road; and the court of county commissioners may change the classification of any road or any specified part of a road at any time.

Section 12. That when a new road is to be constructed or the location of an existing road to be changed, the court of county commissioners shall pass a resolution directing the county engineer to make a preliminary survey for said road, describing the terminal points of the said survey and appointing a time at which the court of county commissioners will meet to hear objections to location of said road or its classification. As soon as practicable after the passage of such resolution, the county engineer shall stake out said road and prepare a map and profile of the same. The map shall show all buildings and fences within 200 feet of said road and any other improvements which may affect the amount of damages which may be caused to property by the construction of said road. It shall also be the duty of the engineer to publish a notice to the effect that he has made surveys for said road; that the map and profile are on file in his office and subject to public inspection, and giving the time when the court of county commissioners will meet to hear objections to the location of said road or

its classification. Such notice shall be given by publication in a newspaper of general circulation in the county, by posting a copy at the court house, and by posting one copy at each terminal point of the survey. The court of county commissioners shall meet at the court house at the time named in the said notice and after hearing objections to the location of said road or its classification, the said court of county commissioners may confirm said location, order it amended or abandoned, and said action shall be shown on its minutes.

Section 13. That the court of county commissioners may secure the right of way for roads by donations, purchase or by condemnation.

Section 14. That the court of county commissioners shall have the right, authority and power to condemn land for road purposes under the provisions of article 1, chapter 79 of the Code of Alabama, 1907, notwithstanding the fact that there may be other modes of proceeding by law for the condemnation of land for the establishment or change of roads; and such proceedings shall be conducted in the name of the county as petitioner, and the county shall provide for the payment of all charges in connection with the condemnation of land.

Section 15. That the convicts of the county may be worked upon the public roads, bridges, or ferries of the county or they may be worked under the direction of the court of county commissioners in quarries, gravel pits or any plant owned by the county and used for the production of road materials, although said quarry, pit or plant may be located in another county or from the State, or to contractors under contracts to be made between such contractors and the court of county commissioners or other county or the State.

Section 16. That the convicts shall not be worked in squads or companies with other persons required by law to perform road duty.

Section 17. That the court of county commissioners of the county may enter into a joint agreement with the road authorities of one or more adjoining counties whereby the convicts of the several counties may be combined in one gang, provided that an equitable division of the time of the gang between the several counties shall be arranged. The several counties entering into such agreement may invest jointly in such equipment as may be necessary for properly working and caring for such joint convict gang.

Section 18. The court of county commissioners of Limestone county shall at the time of making the annual levy of taxes for general county purposes, levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt or liability now existing or that may hereafter be created, for the erection, construction or roads maintenance of necessary public buildings, bridges or roads, and such tax so levied and collected as other county taxes, which tax so levied and collected shall be applied exclusively to the purpose for which the same is so levied and collected.

Section 19. That all money received by the county from license taxes on automobiles shall be paid into the county road and bridge fund and used only for the construction and maintenance of public roads and bridges.

Section 20. That all male inhabitants of the county not under eighteen and not over forty-five years of age, except those exempted by the following section, shall be required to work on the public roads of the county during each year for ten days of eight hours each; provided that he may pay in lieu of such personal service the sum of \$5.00 per year to be paid to the judge of probate not later than the 15th day of July, said money to go into the county road and bridge fund, and shall be used only for the construction and maintenance of road and bridges. The judge of probate shall furnish the county engineer with a list of persons who pay the per capita tax in lieu of personal service.

Section 21. That the following persons shall be exempt from road duty: All women and all men under the age of eighteen and over the age of forty-five years: Any person who has lost an arm or leg; and all persons who by nature or disease are rendered incapable of performing hard labor, who shall procure a certificate of incapacity from the county board of health, sitting as a board.

Section 22. No person or hand is liable to work on any public road at a point on said road more than six miles from his residence, provided within the limit he may be required to work in any beat or precinct.

Section 23. That for the purpose of maintaining the public roads the court of county commissioners shall from time to time divide the county into a convenient number of road precincts and require the county engineer to appoint one or more overseers for each precinct. The term of office of said overseers shall be one year; but he may be discharged for neglect of duty or inefficiency. When a vacancy occurs in the office of overseer the county engineer shall appoint some person to fill out the unexpired term.

Section 24. That it shall be the duty of each overseer to take a census of the persons within the area assigned to him who are subject to road duty, giving age and color of each such person and the quarter section, farm or plantation on which he resides and to turn a list of such persons in to the county engineer. Before entering upon his duties, each overseer shall subscribe to the statutory oath to faithfully perform his duties, which oath may be administered by the county engineer. The satisfactory performance of these duties shall exempt said overseer from road work or service for the length of time he serves.

Section 25. That the county engineer will enter the names of all persons, who are subject to road duty in a suitable ledger which shall have appropriate columns for credits of money or labor.

Section 26. That the county engineer shall apportion such hands as do not pay the per capita tax to the roads nearest their places of residence. He shall employ a sufficient number of overseers at a rate not to exceed \$2.00 per day. The county engineer shall go with each overseer over the road apportioned to him and point out the work to be done, and will furnish him with a list of road hands who will work under his direction.

Section 27. Persons hauling logs, lumber or timber over the roads of the county to sell or for another for hire and not for their own use or for the improvement of their farms, and persons regularly engaged in the business of hauling over the roads of the county shall pay a license of one and one-half dollars per month for each two-horse wagon and three dollars per month for each four-horse wagon so used in such hauling. It is not intended to require a license for private hauling connected with or usual to the ordinary operation of a farm, or any one hauling cord or stove wood, whether for sale or not. It shall be unlawful to do any hauling forbidden without first procuring such license. Any person violating the provisions of this section shall be guilty of a misdemeanor, and on conviction fined not less than ten nor more than (\$50.00) fifty dollars, to be paid in lawful money, which fine when collected, shall be paid over to the road supervisor as part of the road fund.

Section 29. That all male inhabitants of the county between the ages of twenty-one and fifty years are subject to road duty under this act as overseers.

Section 30. That any overseer who fails to perform his duty as such under the provisions of this act shall be liable to prosecution and fined on conviction not less than ten dollars nor more than fifty dollars.

Section 31. It shall be the duty of every person, firm or corporation, land owner or agent employing hands to furnish the overseer upon his application a list of male hands in their employ or living on their lands, and failing to do so, such person, firm, corporation or land owner shall be

guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than fifty dollars.

Section 31½. Any apportioner, overseer or other person who fails to perform any duty required of him by this act or by the general laws of the State not in conflict with this act, shall be guilty of a misdemeanor, and on conviction must be fined not less than ten nor more than fifty dollars.

Section 31¾. A county road and bridge fund is hereby created for Limestone county, Alabama, into which fund shall be paid all moneys derived for roads and bridges in said county.

Section 32. That it shall be the duty of the court of county commissioners of Limestone county to have this act printed for use of said court and other courts of the county and for the officers herein named.

Section 33. That as soon as practicable the court of county commissioners shall prepare and adopt such rules and regulations, not in conflict with this law, for the construction, improvement and maintenance of roads and bridges as they shall deem most suitable for the requirements of and bring the most practicable results to the county.

Section 34. That within one year after the approval of this act the court of county commissioners shall cause substantial sign boards with suitable device and lettering to be erected at the intersection and crossing points of all roads thereon to indicate the direction and distance to the nearest town or city.

Section 35. That all laws and parts of laws not in conflict with this act shall remain in full force and effect and all "local or special" laws and parts of "local" laws in conflict with the provisions of this act are hereby repealed.

Approved September 14th, 1915."

Notice is hereby given by the undersigned that in order and for the purpose of repealing the above and foregoing act that a bill substantially as follows will be proposed and introduced in the Legislature of Alabama convened in special session on October 4, 1921, for passage, substantially as follows:

A BILL TO BE ENTITLED
"AN ACT"

To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That the act of the Legislature of Alabama approved Sept. 14, 1915, entitled "An act to provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants of such position" be, and the said act is hereby, expressly repealed.

T. O. Black,
Wallace Coleman,
W. A. Williams,
Albert Thomas,
Fred Wall.

By Mr. Rogers of Lauderdale (with notice and proof):

S. 85. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

The State of Alabama, }
Limestone County. }

Personally appeared before me, Young Wall, a notary public in and for said county and state, R. H. Walker, who being known to me and who being duly and legally sworn, deposes and says that he is the editor, publisher and proprietor of the Limestone Democrat, a newspaper of general circulation published in Athens, Limestone county, Alabama, published weekly; that the notice and proposed law, a copy of which is hereto attached was published once a week for four consecutive weeks in said Limestone Democrat, on the following dates: October 6, 1921, October 13, 1921, October 20, 1921, and October 27, 1921; that the notice of the intention to apply to the Legislature of Alabama, which convened in special session on October 4, 1921, for the passage of the proposed law together with said proposed law, a copy of which proposed law and notice are attached hereto, are in the exact words and figures as were published in said Limestone Democrat, on the dates herein described; that said notices and proposed law have been published and have appeared regularly in four weekly issues of said Limestone Democrat on October 6, 1921, October 13, 1921, October 20, 1921 and October 27, 1921.

R. H. Walker,
Editor and Publisher of Limestone Democrat.

Sworn to and subscribed before me this the 27th day of October, 1921.
Young Wall,
Notary Public.

A BILL

To be entitled, an act to provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor. Be it enacted by the Legislature of Alabama:

Section 1. That on the approval of this act it shall be the duty of the court of county commissioners to appoint one road apportioner for each election precinct of said county. Such apportioner must be between the ages of twenty-one and fifty years and shall serve four years.

Sec. 2. The apportioners mentioned in the preceding section shall, within thirty days from their appointment, divide the public roads of their respective precincts into appropriate divisions, not to exceed four miles in length, and shall designate each precinct by a number beginning at one and describe each number by its terminal point, and shall within thirty days from their appointments, appoint an overseer for each division and certify such appointment to the probate judge, who shall at once issue commissions to such overseers. Commissions to apportioners or overseers may be served in person, or forwarded by mail.

Sec. 3. It is the express duty of the apportioners: 1. Within ten days after the appointment of overseers for his precinct to apportion the person or hands among the several divisions of roads in their precinct according to the importance of each road to the public, and to change such apportionment from time to time as due regard to the public interest may require. 2. To provide each overseer in the precinct as early as practicable with a complete list of the hands apportioned to his division. 3. To apportion among the several roads of the precinct all horses, mules, oxen, wagons, scrapers, plows, machinery and all other implements, and furnish each overseer with a list of the same, which shall accompany a list of the hands. 4. To inspect from time to time, and at least twice a year the public roads within their precinct, notice the character of repairs and observe if such

roads are regularly posted as required by law. 5. To report to the grand jury an overseer who has in any particular failed to discharge his duty on any road within his precinct. 6. To report all defaulters, and see that they are prosecuted for failure to work. 7. Where any road runs on the line dividing two precincts the apportioners of each adjoining precinct shall divide the road between them, and have charge of the half agreed to be taken by each the same as though said road lay in his precinct. In the event the apportioners of the two adjoining precincts are unable to agree upon a division of the road, then the court of county commissioners shall divide said road between them.

Sec. 4. It is the express duty of the overseers of such public roads. 1. On the failure of the apportioners to furnish the lists required in subdivisions 2 and 3 of the preceding section to apply for and obtain the same if possible. 2. To call out the hands and persons, wagons, teams, scrapers, plows, and all animals, machinery and implements subject to duty on their respective roads at their discretion and to work with the same not less than five days, and not exceeding ten days in each year. 3. To keep at the end of each mile, a mile post, marked with the number of miles to the court house or other noted place to which the road leads. 4. To erect index boards at all crossings and forks of roads with proper directions pointing to the most noted place to which the road leads. 5. To build bridges and causeways where the same are necessary after submitting same to the court of county commissioners and unless the court of county commissioners deem it expedient to have the same built by contract. 6. Where two precincts are divided by water courses or any depression that necessitates a bridge or causeway, in conjunction with the adjoining overseer, to construct the same unless the court of county commissioners have the same built by contract, but this shall not apply to the Tennessee river. 7. To report to the grand jury an apportioner in his election precinct who fails to discharge his duty. 8. To report and prosecute all defaulters who fail to work on public roads or pay for the same as required by law. 9. To keep the ford of any stream in order if practicable, when any bridge has been washed away, fallen down or becomes unsafe. 10. To keep in good condition all approaches to bridges and causeways whether the same are by contract with the commissioners or by direction of the overseer. 11. To repair all bridges and culverts when injured or broken, to open any drain, to fill any hole in the road, or break in the pikes, and to remove obstructions from the road, and when notified, either in person or in writing by a member of the court of county commissioners of said county to do or perform any of said duties, the same shall be done or performed by him within twenty-four hours after being notified, and upon his failure to do so, such overseer shall be guilty of a misdemeanor and upon conviction fined not less than ten nor more than fifty dollars. 12. To perform such other duties as are, or may be required of them by this act, or by the general laws of this State not in conflict with this act.

Sec. 5. Overseers and apportioners shall serve four years, and in the event of vacancy, their successors shall be appointed as herein provided for the appointment of apportioners and overseers. Such successors shall serve out the unexpired term for which the apportioner or overseer, whose place they fill was appointed.

Sec. 6. All persons are liable to work on the public roads, except all females, all persons under the age of eighteen and over the age of forty-five years, all persons who have lost an arm or leg, and all persons, who by nature or disease, are rendered incapable of hard labor to be excused by the overseer, when such disability is proven to him. And all apportioners or overseers are exempt from road duty for a period equal to one-half the time served as such apportioner or overseer.

Sec. 7. All horses, mules, oxen, wagons, scrapers, plows, and all other implements and machinery, suitable for use and work on the public roads

belonging to any individual or corporation in the county, or which belonging to any non-resident of the county, but are in the county at the time notice is given to parties warning them to work the road are subject to road duty in Limestone county, to be used in the precinct where the owner resides or where such are kept for use. But if the owner is a non-resident of the county to be used in the precinct where they are temporarily located, and they shall be subject to such duty for a time to be prescribed by the overseer. Provided no wagon or team, horse or mule or oxen shall be subject to road duty for more than three days during any year, provided further that all wagons and teams, horses, mules and oxen shall work an equal number of days.

Sec. 8. The mode of securing horses, mules, oxen, wagons, scrapers, plows and all other implements and machinery is for the overseer to give two days notice in person or in writing to be left at the residence, to the owner thereof, but if there be no owner in the precinct, then to the manager, to have on the road such wagon and team or horses, or mules, or oxen, or wagons, or scrapers, or plows, or implements, or machinery, as he may designate and at the stated time and place.

Sec. 9. It is the duty of the overseer to repair and keep in good condition their respective roads. They must keep their roads in condition for the convenient and easy passage of buggies and for hauling or heavy drafts.

Sec. 10. Each person warned must attend or send substitute, agreeable to the notice, provided, however, that any person may pay to the overseer the sum of seven dollars and fifty cents on or before the day he is warned to attend, and upon payment of said sum, the overseer shall excuse him from work. It shall be the duty of the overseer to receive such money and apply the same to the hire of hands, wagons and teams, which he shall work on his road, or for material used in the construction and maintenance of the said roads. Each overseer receiving such payment shall make a full report to the court of county commissioners, in writing, left with the probate judge, within 60 days after the receipt of such payment, showing the amounts and from whom received and shall also file at the same time receipts for the expenditure of such money, said receipts to be signed by the person to whom paid for work as herein provided. All money received in lieu of work provided in this section shall be spent on the road to which such person paying said money shall be apportioned. A copy of the report by the overseer, as herein provided, shall also be furnished to his apportioner within 60 days.

Sec. 11. Any apportioner, overseer, or other person who fails to perform any duty required of him by this act, or by the general laws of the State not in conflict with this act shall be guilty of a misdemeanor, and on conviction must be fined not less than ten nor more than fifty dollars.

Sec. 12. Any persons appointed apportioner or overseer may send in his excuse for not accepting or after he has accepted, may resign to the judge of probate. Such excuse or resignation must be in writing, the excuse for not serving, or the reason for resigning stated, and must be sworn to. The judge of probate shall pass upon said excuse or resignation, and by and with the consent of the court of county commissioners may accept the same.

Sec. 13. The judge of probate must keep in his office a well bound book to be labeled "Road Book," containing a complete list of all roads, precincts, their grades, number, description by terminal points, and overseers with the date of their appointments. He shall keep in such book a complete list of apportioners.

Sec. 14. The mode of warning hands is for the overseer, or someone appointed by him, to give two days notice, in person or in writing to be left at the place of residence, to all persons liable to meet at such times and places as the overseer may appoint and with such tools as he may direct.

The person warning the hands in case the overseer appoints some one to warn the hands, shall be excused for such service from one day's work. Eight hours shall constitute a day's work under the provisions of this act.

Sec. 15. That in lieu of the work mentioned in section 7 of this act, any person may pay per day for each wagon and team, two and 50/100 dollars; for each single horse and wagon one and 50/100 dollars each; single horse, one dollar; and each wagon, 50 cents; and when so paid by the owner they shall be exempt from further road duty for the time so paid for. It is the duty of the overseer to receive money and use the same in the hire of hands, wagons and teams, which he shall work on his road or materials used on his road. Each overseer receiving such payment shall make a full report to the court of county commissioners, in writing, left with the probate judge, within 60 days after the receipt of such payment, showing the amounts and from whom received and shall also file at the same time receipts for the expenditure of such money, said receipts to be signed by the person to whom paid for work as herein provided. All money received in lieu of work provided in this section shall be spent on the road to which such person paying said money shall be apportioned. A copy of the report by the overseer, as herein provided, shall also be furnished to his apportioner within 60 days.

Sec. 16. The court of county commissioners of Limestone county are empowered at the time of making the annual levy of taxes for general county purposes, to levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt that may hereafter be created for the erection of necessary public roads and bridges, and shall be levied and collected as other county taxes, which taxes so levied and collected shall be applied exclusively to the purposes for which the same are so levied and collected. Such tax, so collected, shall be held by the county treasurer as a special road fund for the county and shall be expended by the said court of county commissioners as hereinafter in this act provided. The authority given in this section is to be exercised in the discretion of the said court of county commissioners, and is not to be construed as mandatory on it to levy and collect the special tax for this special purpose or to prevent said court from levying and collecting a special tax for any other purpose or purposes for which said court is authorized to levy and collect a special tax.

Sec. 17. The court of county commissioners of Limestone county may transfer to the road fund of said county any surplus of general funds of the county in the county treasury, or any part of such surplus whenever in the judgment of said court it will promote the interests of the county to make such transfer. Such funds shall be expended by the said court of county commissioners as hereinafter in this act provided.

Sec. 18. The special taxes authorized to be collected and funds authorized to be transferred in the foregoing section 17 of this act, and all other money which may be received in any manner by said county for the road fund thereof, except in this act otherwise provided to be expended, shall be paid out or expended under the authority, superintendence or control of the court of county commissioners of said county, and said money shall be used in purchasing or hiring scrapers, plows and other road implements and machinery, wagons and teams for working said public roads, and in employing or hiring supervisors, agents, persons or hands for superintending or working the public roads of said county, and in grading, graveling and macadamizing same or the building of bridges or otherwise improving the said public roads, as the court may determine. And a strict account of all money received and how expended shall be reported and entered of record in the minutes of the court of county commissioners of Limestone county. And said court may require a bond in an amount to be prescribed by it of

any person or agent whose duty it may become to pay out or expend said money or any part thereof, for the performance and discharge of his duties, and it may also require a bond of any contractor with whom it may enter into a contract for working or improving the roads or any part of the public road of said county.

Sec. 19. The commissioners' court of Limestone county shall have power at any time from the passage of this act, to appoint a custodian for all stone crushers, rollers and other machinery and implements belonging to the county, and prescribe his duties with reference thereto, and to fix his salary or compensation, and to pay him therefor.

Sec. 20. This act and the general laws of the State not in conflict with this act, shall constitute the law for Limestone county on the subject of public roads and bridges.

Sec. 21. That an act entitled "An act to provide for the better building, maintenance and protection of public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position" and all "local or special" laws and all parts of same be, and the same are hereby, expressly repealed.

Sec. 21½. That all general laws and parts of laws and all the authority and powers vested by general law in the court of county commissioners or like governing body not in conflict with this act shall remain in full force and effect.

Sec. 22. It shall be the duty of the circuit judge to give this act in charge to the grand jury of each term of the circuit court.

Notice is hereby given by the undersigned of the intention to apply to the Legislature of Alabama, which convened in special session on Oct. 4, 1921, for the passage of substantially the above and foregoing proposed bill and to have same enacted as a law for Limestone county, Alabama.

This Oct. 5, 1921.

Fred Wall,
T. O. Black,
Wallace Coleman,
Albert Thomas.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with an adverse report, and it was read a second time and placed on the adverse calendar, to-wit:

By Mr. Teasley:

S. 82. To provide that women shall have the same rights, privileges, and immunities under the law as men.

BILLS ON THIRD READING.

The bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Was taken up.

The committee offered the following substitute:

Substitute by the Committee on Judiciary of the Senate for House bill No. 26:

A BILL

To be entitled an act to amend and revise chapter 176, of the Code, which chapter is entitled "Boycotting and Blacklisting."

Be it enacted by the Legislature of Alabama:

That chapter No. 176 of the Criminal Code of Alabama, entitled "Boycotting and Blacklisting," be amended and revised so as to read as follows:

Section 1. Two or more persons who enter into any combination, conspiracy, agreement, arrangement or understanding for the purpose of hindering, delaying, or preventing any other persons, firm, corporation, or association of persons from carrying on any lawful business shall be guilty of a misdemeanor.

Section 2. Any person or persons who go near to or loiter about the premises or place of business of any other person, firm, corporation, or association of people, engaged in a lawful business, for the purpose or with the intent of influencing, or inducing other persons not to trade with, buy from, sell to, have business dealings with, or be employed by such person, firm, corporation, or association or who picket the works or place of business of such other persons, firms, corporation, or associations of persons, for the purpose of hindering, delaying, or interfering with, or injuring any lawful business or enterprise of another, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

Section 3. Any person, firm, corporation, or association of persons who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, corporation, or association of persons doing a lawful business shall be guilty of a misdemeanor.

Section 4. Any person, firm, corporation, or association of persons who uses force, threats, intimidation, or other unlawful means to prevent any other person, firm, corporation, or association of persons from engaging in any lawful occupation or business shall be guilty of a misdemeanor.

Section 5. Any person, firm, corporation, or association of persons who maintains what is commonly called a black list or notifies any other person, firm, corporation, or association, that any person has been blacklisted by such person, firm, corporation, or association; or uses any other similar means to prevent any person from receiving employment from whomsoever he desires to be employed by shall be guilty of a misdemeanor.

Section 6. Any person, firm, corporation, or association of persons who does any act with the intent, or with reason to believe that such act will injure, interfere with, hinder, delay, or obstruct any lawful business or enterprise in which persons are

employed for wages; or who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure, or destroy any property, of another; or who shall willfully or wantonly derange, or attempt, or threaten to derange, any mechanics, appliances, or devices, of another used in any lawful business or enterprise, shall be guilty of a misdemeanor.

Section 7. Any person, firm, corporation, or association of persons with the intent to supplant, nullify, or impair, the owner's, operator's, or manager's control of any lawful business, or enterprise, or who with like intent shall take, retain, attempt, or threaten to take, or retain, possession or control of any property of another or any instrumentality used in any lawful business or enterprise of another, shall be guilty of a misdemeanor.

Section 8. Any person, firm, corporation, or association of persons who shall advocate, advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who shall print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advocating, advising, teaching, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act; or who organizes, or helps to organize, give aid to or becomes a member of any group of persons formed to advocate, advise, or teach the necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Section 9. Any person, firm, corporation, or association of persons violating any of the preceding sections or provisions of this act, shall upon conviction, be punished by a fine of not less than one hundred dollars or more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months for the first conviction at the discretion of the court or judge trying the case; and on the second and every subsequent conviction, in addition to the fine which may be imposed, the convicted party shall be sentenced to hard labor for not less than three months, nor more than six months to be fixed by the judge or court trying the case.

Section 10. The provisions of this act shall take effect immediately upon its approval by the governor.

Which was adopted.

Yeas, 19; Nays, 5.

Yeas:

Messrs:

Acker
Beale
Caffey

Carlton
Carmichael
Cowan

Ellis
Espy
Evins

Kelly
Miller
Morris

McDowell	Rogers (Lauderdale)	Sims	Tally	
Prestwood	Rogers (Sumter)	Smith (Coosa)		—19
<i>Nays:</i>				
Messrs:				
Baker	Craft	Phillips	West	
Brown				—5

PAIR ANNOUNCED.

Mr. Harper announced that he and Mr. Moore were paired on this vote and that if Mr. Moore were present he would vote yea and he, Mr. Harper, would vote no.

And said bill as thus amended was read a third time at length and passed.

Yeas, 20; Nays, 5.

<i>Yeas:</i>				
Messrs:				
Acker	Cowan	Kelly	Rogers (Lauderdale)	
Beale	Ellis	Miller	Rogers (Sumter)	
Caffey	Espy	Morris	Sims	
Carlton	Evins	McDowell	Smith (Coosa)	
Carmichael	Huddleston	Prestwood	Tally	—20
<i>Nays:</i>				
Messrs:				
Baker	Craft	Phillips	West	
Brown				—5

PAIR ANNOUNCED.

Mr. Harper announced that he and Mr. Moore were paired on this vote and that if Mr. Moore were here he would vote yea and that he, Mr. Harper, would vote no.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and, as amended, has passed the following bill:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the

foregoing message from the House, said amendment being in words and figures as follows:

A BILL

To be entitled an act to provide a statutory method for substituting any tax record in any county in this State and giving to the substituted records the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Be it enacted by the Legislature of Alabama:

Section 1. When any tax record of a county in this State has been lost, stolen or destroyed, the same may be substituted as herein provided, and such substituted record shall be of equal validity with the original.

Section 2. Whenever any of the tax records of a county in this State have been lost, stolen or destroyed, the tax assessor shall, as soon thereafter as practicable, notify the State tax commission in writing of the loss, theft, or destruction of such records. The State tax commission shall at once investigate, and, if satisfied that such records have been lost, stolen or destroyed, shall notify the governor in writing of such loss, theft, or destruction of such records. If the governor upon receipt of such notice is satisfied that any such records have been lost, stolen or destroyed, he may, if in his judgment it is necessary or advisable for any governmental purpose, order and direct that the same, or any part thereof, be substituted in the manner provided by this act. A copy of such order of the governor shall be filed with the State tax commission.

Section 3. Upon receipt of the governor's order, the State tax commission shall prepare in writing a notice to be signed by the tax assessor of said county, stating in brief the fact of such loss, theft or destruction of such records, which it is proposed to substitute. Such notice shall also contain a statement of the time when and the place where the tax assessor will sit in said county to receive from each taxpayer, the record of whose tax assessment in said county has been so lost, stolen or destroyed, a return of all his property which was subject to tax assessment in said county during the tax assessment year or years for which such records have been so lost, stolen or destroyed, a substantial duplicate of his former return.

Section 4. The tax assessor of such county is authorized and required to fix such times and places in the county as are deemed reasonably necessary by him for that purpose to receive such duplicate returns and he shall sit in person or by deputy at such times and places for this purpose.

Section 5. If, in any such cases, it is determined that the records of the tax assessment of all the taxpayers of the county, or of one or more entire precincts of the county, be substituted, such notice shall state the fact, and it shall not be necessary for such notice to give the names of the taxpayers; if of only a part of the taxpayers of any precinct, then the notice shall set forth the names of the taxpayers the record of whose assessments are to be substituted. Such notice shall be published in some newspaper published in such county once a week for two successive weeks, and the first publication thereof must be on a day which is not less than ten days before the first day set therein for any such sittings to be held, as aforesaid, by the tax assessor or his deputy; provided, however, that the tax assessor or his deputy may continue such sitting from day to day without any additional notice thereof.

Section 6. Every taxpayer of said county, the record of whose tax assessment or return, or whose tax record in any part thereof in said county has been so lost, stolen or destroyed, is required to attend at one of such sittings by the tax assessor or his deputy and there give under oath to the best of his knowledge, recollection, information and belief, a full, complete, and direct statement of all his property, with a sufficient description thereof, which was included in his said tax assessment record which has been so lost, stolen or destroyed, together with the valuation of the different parcels or articles thereof for taxation which had been fixed and was shown by said record so lost, stolen or destroyed, which description and valuation shall be set out upon a blank prescribed by the State tax commission and furnished by said county for said purpose. Any such taxpayer, his agent, or attorney, shall present such statement or return under oath and shall state in writing that the same is, in substance, a just, true and correct copy of the record of his tax assessment or return and the valuation fixed on his property for taxes as shown by the original of such records which have been so lost, stolen or destroyed, according to the best of his knowledge, information and belief.

Section 7. If any such taxpayer, his agent or attorney, willfully or knowingly makes under oath a false statement relative to any material matter involved in such statement or return subscribed by him, he shall be guilty of a misdemeanor.

Section 8. If any such taxpayer has a copy of the original assessment and list showing the return of his property for taxes in said county, upon which list his assessment record so lost, stolen or destroyed was based, he is required, without demand, to produce such copy at such sitting by the tax assessor or his deputy for the inspection of such officer. If any such taxpayer has paid his taxes, the payment whereof was shown by any such

record which it is proposed to substitute, he is required, without demand, to produce his official tax receipt for inspection of the tax assessor or his deputy at such sitting. If any such taxpayer fails or refuses, without good or lawful excuse, to produce for the inspection of such officer his copy of such list or his said official tax receipt, he shall be guilty of a misdemeanor.

Section 9. At the time any such taxpayer appears at such sitting by the tax assessor or his deputy to make such sworn statement as to the return of his property and the valuation thereof for taxes, as contained in such original record so lost, stolen or destroyed, he may file with the tax assessor or his deputy holding such sitting, such affidavits in writing as he may desire to so file of other persons or of himself, to support any contention he may have that is competent, relevant, or material to the proper and correct substitution of such records. The tax assessor or his deputy holding such sitting shall receive, file and carefully preserve all such affidavits presented by any such taxpayer. Any person who willfully or knowingly makes a false statement which is material in any such affidavit shall be guilty of a misdemeanor.

Section 10. The tax assessor or his deputy who holds any of such sittings is empowered and authorized to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any such taxpayer of any deeds or any other writings in the custody or under the control of such taxpayer which contain any evidence material to the issues involved in the substitution of the record of such taxpayer's tax assessment which has been so lost, stolen or destroyed.

Section 11. When all such sittings by the tax assessor and his deputies have been concluded, all such additional returns and sworn statements of the taxpayers, together with the affidavits presented by any taxpayers, and all other pertinent writings which have been filed with the tax assessor or his deputies at any of such sittings, shall be returned, at once, to the office of the tax assessor and he shall then, at once, notify the State tax commission that such sittings have been concluded. Upon the receipt of such notice from the tax assessor, the State tax commission, in writing, shall direct and require the tax adjuster of said county to sit therein to consider the evidence which has thus been collected by the tax assessor and his deputies, together with such relevant, material and competent evidence that may be offered by the taxpayer, the State or by said county, for the purpose of determination by the tax adjuster of what is a true and correct substitution of the record of each taxpayer's original assessment for taxes which has been so lost, stolen or destroyed.

Section 12. Such tax adjuster shall have power and authority to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any taxpayer who is a party to any of such proceedings of any books or other writings in the custody or under the control of such taxpayer, which contain any evidence material to the issues involved in the substitution of any of such records. It shall be the duty of the tax adjuster to hear and consider evidence offered by either the taxpayer, the State or said county, if any shall be offered in addition to what has been collected by the assessor and his deputies, as aforesaid, touching the substitution of such records which have been so lost, stolen or destroyed, and to judge and decree what is a true and correct substitution of such records, and he is given power and authority for all said purposes, together with such other power and authority as may be necessary or incidental to that power and authority which is hereby expressly conferred. All such evidence offered before the tax adjuster which is not in the form of some written instrument must be offered in the form of affidavits, or depositions in writing.

Section 13. When the tax adjuster has been directed by the State tax commission, as hereinabove provided, to sit in said county to consider and decree upon said causes and proceedings, he must promptly set a time for hearing and considering the causes involved in the substitution of such records. He shall sit at the courthouse at the county seat of said county, but if there is more than one courthouse in said county, he shall provide for a hearing at each of such courthouses. As soon as he has determined the time and place of such hearing, he shall give notice thereof by publication of such notice in a newspaper published in the county once a week for at least two successive weeks prior to the beginning of such hearing; the first publication of which notice must be at least ten days before the first day set for such hearing. Such notice shall be governed by section 5 of this act with respect to the necessity of setting out or not, in said notice, the names of the taxpayers whose records are to be substituted by said tax adjuster. In addition to the publication of such notice, as aforesaid, such tax adjuster shall also post a copy of the notice at the courthouse and at three other public places in the county at least ten days before the first day set for such hearing.

Section 14. At such hearing by such tax adjuster, he shall cause to come before him the tax assessor and tax collector of the county, and he shall examine them under oath touching the contents of such records which have been lost, stolen or destroyed, and he shall receive and file any evidence in writing that may be offered by the taxpayer, the State or county touching said matters. Any such taxpayer affected by the substitution of any

Section 15. At the conclusion of such hearing by the tax adjuster and after consideration of all the evidence before him, he shall determine what is a true and correct substitution of any such record which has been so lost, stolen or destroyed, and he shall make and enter an order or decree accordingly. Such order or decree shall be endorsed upon the substituted record and shall be sufficient if it states, in substance, as follows:

Witness my hand this.....day of.....

Section 16. After such tax adjuster has concluded the hearings so held by him and has entered his decrees substituting such individual tax records, from such substituted records, the State tax commission shall, if it is deemed necessary by it, prepare or cause to be prepared under its direction, the tax assessment book and the tax collector's abstract which are required by law to be made up from the individual tax assessments.

Section 17. Any taxpayer who is aggrieved at the findings of such tax adjuster, and the State or said county, shall have a right of appeal from his findings to the State tax commission. Notice of such appeal must be filed in writing with such tax adjuster within ten days after the entry of his order and decree, and in the case of the State or said county, the filing of such notice of appeal shall be sufficient to perfect its appeal. The taxpayer, in addition to filing such notice of appeal, shall also file with such tax adjuster satisfactory security for cost of the appeal, and, if any taxes of such taxpayer due to the State of Alabama or to said county are then delinquent, before the appeal of such taxpayer shall be allowed, he must pay to the tax collector of said county, all taxes due the State and said county and any school district in said county, on such valuation of his property for taxes as he has claimed in his sworn statement was the valuation of his property for taxes shown by such original record; when payment shall be placed as a credit upon his assessment when the record is established. He must also give bond with satisfactory security, conditioned to pay, within thirty days

after the final determination of his said cause, the State of Alabama and said county all taxes that may be due by him and delinquent to said State and county.

Section 18. When said appeal has been taken, the tax adjuster shall within thirty days thereafter return to the State tax commission all the sworn statements, affidavits and other evidence in writing before him, in the case of the taxpayer taking such appeal. The tax adjuster may also return with such papers a brief statement or opinion in writing setting forth the main reasons for his findings in such case. All such papers in the matter of such appeal shall be certified by such tax adjuster to the State tax commission.

Section 19. The State tax commission is authorized and empowered to hear, consider and determine such appeal, and for this purpose shall sit at the State capitol. It shall be its duty to carefully examine, weigh and consider the evidence and all other matters in each such cause certified to it on appeal by such tax adjuster, and after having considered same, the State tax commission may dismiss the appeal and adjudge all costs of the appeal against the taxpayer, or it may modify the findings of such tax adjuster and proceed to find and decree what is a correct substitution of the record of such taxpayer involved in such appeal, and in such last named case, it is empowered and shall tax the costs of appeal as to it seems equitable. If the taxpayer fails to sustain his appeal and obtain any modification of the findings of such tax adjuster, such taxpayer shall be taxed with all the costs of such appeal, for which execution may be issued against such taxpayer and his sureties by said State tax commission, and directed to the sheriff of said county. Any such execution shall be levied and collected by the sheriff of said county in the same manner in which execution out of the circuit court of said county is levied and collected, except that the sheriff shall make return thereof to the State tax commission instead of to such circuit court.

Section 20. Any such taxpayer shall have a right of appeal from the finding or decree of the State tax commission to the court of appeals of said State. In case the taxpayer takes an appeal from the findings of the State tax commission to the court of appeals, the taxpayer is required to prepare or have prepared at his cost a transcript of all the papers relating to his case which are on file with the State tax commission, including a copy of the findings of the State tax commissioner upon his appeal from such tax adjuster. Such transcript shall be duly certified by the chairman or one of the associate members of the State tax commission to the court of appeals. Any such appeal from the findings of the State tax commission to the court of appeals must be taken within thirty days after the finding or

decree of the State tax commission has been entered. It shall be the duty of the State tax commission within ten days after the entry of its decree upon any appeal, to notify the appellant or his attorney of record of the date and nature of its said findings or decree, by mailing such notice to the last known address of such taxpayer or his attorney of record.

Section 21. If the taxpayer desires to take appeal from the findings of the State tax commission to the court of appeals, he must file notice of such appeal with the State tax commission within thirty days from the date of entry of its decree and must also file with the State tax commission satisfactory security for costs of such appeal to the court of appeals, which security may be approved by any member of said commission. When such appeal has been taken to the court of appeals, and the transcript has been filed with the clerk of that court, the clerk shall notify the presiding judge thereof. The presiding judge of the court of appeals shall set down for hearing all such appeals taken to it from said State tax commission at as early date as is practicable and shall cause the clerk of such court to notify the attorney general as counsel for the State, and also the appellant or his counsel of record, of the date set for hearing such appeal. Any such appeal before the court of appeals shall be governed by the statutes and rules which apply to appeals in civil cases before such court.

Section 22. In any county which has a board of tax adjusters instead of a single county tax adjuster, the duties herein imposed upon the county tax adjuster shall be performed by the board of tax adjusters, and such board is hereby given all the powers and authority which are herein conferred upon the county tax adjuster in the performance of such duties. In case the duty of determining the valuation of property for taxation now imposed upon the tax adjuster or board of tax adjusters shall be hereafter imposed upon some other officer, or officers, such officer, or officers, who may succeed the tax adjuster or board of tax adjusters in the discharge of this duty shall perform all of the duties herein imposed upon the tax adjuster and shall have all of the power and authority herein given to the county tax adjuster in the performance of such duties.

Section 23. The provisions of this act are intended to be remedial and shall apply both in the case where any such tax records of a county have been so lost, stolen or destroyed before the passage and approval of this act as well as to the case of the loss, theft or destruction of such records hereafter.

Section 24. The tax adjuster shall receive reimbursement for all expenses which are reasonably incurred by him in the discharge of his duties hereunder, if such expenses are outside of and extra to the expenses incident to the discharge of his

duties under other statutes of this State. Provided, however, that any claim of the tax adjuster for any such expenses incurred by him under this statute, before payment thereof is authorized or required, must first be audited and allowed by the State tax commission. When so audited and allowed the same must be paid by the State and said county as herein prescribed. The State shall pay, out of moneys in the State treasury not otherwise appropriated, on the warrant of the governor, such part of said claim as the amount of the State tax upon tangible property received from said county for the last previous tax year for which taxes have been collected in said county, bears to the whole amount of the tax upon tangible property in said county for State, county and school districts collected in said county for said year. Said county shall pay the remainder of such claim upon presentation of a certificate or warrant signed by the governor and showing the amount due by the county for such purposes, and such claim against said county for such amount as is certified by the governor shall be a preferred claim against the county, like unto the claim of grand or petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid, upon presentation to the county treasurer of such certificate or warrant of the governor.

Section 25. For all the services provided herein to be performed by the tax assessor and his deputies the tax assessor shall receive such compensation as is fixed by the court of county commissioners or board of revenue of said county, not to exceed ten dollars per day for himself, and seven dollars per day for each deputy while actually engaged in such work. Such compensation of the tax assessor and his deputies shall be paid by the State and by said county, each paying the same proportion thereof as they are herein required to pay in making payment of the expense claim of the tax adjuster. Upon the conclusion of the work of the tax assessor and his deputies in the performance of the duties hereunder, the court of county commissioners or board of revenue of said county shall transmit to the governor a duly certified copy of its order fixing the compensation to be paid the tax assessor and his deputies for services performed under this act. Upon receipt thereof, the governor shall draw his certificate or warrant for payment of that part of such compensation that must be paid by the State, under the provisions of this act, and the same shall be paid out of moneys in the treasury of the State not otherwise appropriated. That part of the claim of the tax assessor and his deputies for such compensation which must be paid by said county hereunder, must be audited and allowed by the court of county commissioners or board of revenue of the county, and when so allowed, the same shall be a preferred claim against the county, like unto the claims of grand

and petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid.

Section 26. Any and all other expenses incurred in and about, or incident to any such proceeding under this act to substitute any such records, shall be borne by the State and said county in the same proportion that the compensation of the tax assessor and his deputies are to be paid, as provided herein, and shall be paid on warrant of the governor, and shall be a preferred claim against said county, as is provided with respect to the compensation for the tax assessor and his deputies, except that all stationery, blanks, blank books, and other like supplies, needed in the substitution of any such records shall be furnished by such county at its expense. All such work of substitution of tax records provided for hereunder shall be under the supervision and direction of the State tax commission, subject to the provisions of this act.

Section 27. It shall be the duty of the sheriff of said county to serve any subpoena and execute any process issued by the tax adjuster or tax assessor hereunder, and the sheriff shall receive for his services in such matters the same compensation as is allowed him for similar services in civil cases in the circuit court.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Rogers (Lauderdale)
Beale	Craft	Moore	Sims
Brown	Ellis	Morris	Smith (Coosa)
Caffey	Espy	McDowell	Tally
Carlton	Harper	Prestwood	West
Carmichael	Kelly		

—22

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following bill:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate without engrossment:

H. 57. To further prescribe the duties of county treasurers in counties of more than two thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing House message was read one time and referred by the presiding officer of the Senate to the Standing Committee on Local Legislation.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted upon the following resolution and ordered same returned to the Senate with a favorable report:

H. J. R. 42. Whereas, there was appointed a joint committee of the House and Senate of the Legislature of Alabama at the regular session, 1919, for the purpose of investigating the highway department and the convict department, which committee made its formal report to the regular session of the Legislature of 1919,

And whereas, said committee was required by the governor to meet and investigate the convict department for the purpose of making a report on said department to the special session of the Legislature of Alabama,

And whereas, it is uncertain whether or not under the provisions of the law the members of said committee are entitled to be paid their per diem during the time they were engaged in making such investigation,

Now therefore, be it resolved by the House, the Senate concurring, that the members of said committee be paid their per diem for each day engaged in the investigation of said convict department, and that the same be paid out of the appropriation heretofore made for the expenses of this special session of the Legislature of Alabama.

And which on motion of Mr. Acker, was adopted under a suspension of the rules.

Mr. President:

The House has originated and passed the following bill and sends same herewith to the Senate:

By Mr. Cliett:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment shall, in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing message from the House was read one time and referred to the Standing Committee on Banking and Insurance by the President of the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has refused to concur in the amendment offered by the Senate to the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

And asks for a committee of conference. And the Speaker has named as conferees on the part of the House, Messrs. Tompkins, Harrison and Tunstall.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker, the Senate acceded to the request of the House for a committee of conference on the disagreement of the two houses to the House bill set out in the foregoing House message, and names on the part of the Senate as conferees, Messrs. Acker, Rogers of Sumter, and Phillips.

CONFERENCE REPORT.

To the President of the Senate and the Speaker of the House:

We, your Committee of Conference, having under consideration House bill No. 26, entitled, "A bill to be entitled an act to amend and revise chapter 176 of the Code, which chapter is entitled, 'Boycotting and Blacklisting,' beg leave respectfully to report:

Your committee recommends that the Senate recede from its amendment and that the Senate pass the House bill, as the bill was passed by the House.

Respectfully submitted,

W. P. Acker,
Jno. Rogers,
B. T. Phillips,
Committee on the part of the Senate.
O. L. Tompkins,
A. M. Tunstall,
Wm. L. Harrison,
Committee on the part of the House.

CONFERENCE REPORT ADOPTED.

On motion of Mr. Acker, the report of the Committee on Conference on the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Was concurred in and adopted.

Yeas, 18; Nays, 5.

Yeas:

Messrs:

Acker	Ellis	McDowell	Sims
Beale	Espy	Prestwood	Smith (Coosa)
Caffey	Evins	Rogers (Lauderdale)	Tally
Carlton	Miller	Rogers (Sumter)	West
Cowan	Morris		

—18

Nays:

Messrs:

Baker	Craft	Harper	Phillips
Brown			

—5

BILLS ON THIRD READING.

The bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Was read a third time at length and passed.

Yeas, 19; Nays, 5.

Yeas:**Messrs:**

Acker	Cowan	Miller	Rogers (Sumter)
Beale	Ellis	Morris	Sims
Caffey	Espy	McDowell	Smith (Coosa)
Carlton	Evins	Prestwood	Tally
Carmichael	Kelly	Rogers (Lauderdale)	—19

Nays:**Messrs:**

Baker	Craft	Phillips	West
Brown			—5

PAIR ANNOUNCED.

Mr. Harper announced that he and Mr. Moore were paired on this vote and that if Mr. Moore were present, he, Mr. Moore, would vote yea and that, Mr. Harper, would vote no.

MESSAGE FROM THE HOUSE.**Mr. President:**

The House has originated and passed the following bill:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

And ordered same sent forthwith to the Senate without engrossment.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bill set out in the foregoing message from the House was read one time and referred to appropriate standing committee as follows:

H. 82 To the Committee on Education.

MESSAGE FROM THE HOUSE.**Mr. President:**

The House has concurred in and adopted the conference report on the disagreement of the two houses on the Senate amendment to the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and passed the following bill:

H. 114. To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising of revenue for the same; to authorize the commissioners' court to levy a vehicle tax on all automobile, motor trucks and all motor vehicles of every kind, and all carts, drays, log drays, hacks, surries, carriages and buggies owned and operated by the citizens of Conecuh county, Alabama, over and along the public roads of Conecuh county, Alabama; to provide the manner in which said tax shall be assessed and collected; to prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting said taxes; to provide the manner in which said tax so levied and collected shall be used; to provide a penalty and punishment for violating the act in failing to pay the tax so assessed; and to repeal all conflicting laws in so far as they apply to Conecuh county, Alabama.

With notice and proof attached and herewith exhibited as follows:

NOTICE OF LOCAL LEGISLATION.

To the People of Conecuh County, Alabama:

Please take notice that at the special term of the Legislature of Alabama, which will convene on October 4th, 1921, a bill will be introduced in substance as follows:

To provide the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

NOTICE OF LOCAL LEGISLATION

To the People of Conecuh County, Alabama:

Please take notice that at the special term of the Legislature of Alabama, which will convene on October 4th, 1921, a bill will be introduced in substance as follows:

To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising of revenue for the same, to authorize the commissioners court to levy a vehicle tax on all automobiles, motor trucks, and all motor vehicles of every kind, and all carts, drays, log drays' hacks, surries, carriages, and buggies owned and operated by the citizens of Conecuh county over and along the public roads of Conecuh county; to provide the manner in which such tax shall be assessed and collected, and prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting such tax; to provide the manner in which the tax so levied and collected shall be used; to provide a penalty and punishment for violating the

act in failing to pay the tax so assessed and to repeal all conflicting laws in so far as they apply to Conecuh county, Alabama.

I, J. C. Whitcomb, publisher of the Conecuh Record, hereby certify that the above notice was published in the Conecuh Record for four (4) consecutive weeks beginning on September 29th, 1921, and ending October 20th, 1921, published on the following dates: September 29th, October 5th, October 13th and October 20, 1921.

J. C. Whitcomb.

Sworn to and subscribed before me, this the 21st day of October, 1921.

S. P. Dunn,

Judge of Probate.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

With notice and proof attached and herewith exhibited as follows:

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NOTICE OF LOCAL LEGISLATION.

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Please take notice that at the special term of the Legislature of Alabama, which will convene on October 4th, 1921, a bill will be introduced in substance as follows:

To provide the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

I, J. C. Whitcomb, publisher of the Conecuh Record, hereby certify that the above notice was published in the Conecuh Record for four (4) consecutive weeks beginning on September 29th, 1921, and ending October 20th, 1921, published on the following dates: September 29th, October 6th, October 13th, and October 20th, 1921.

Given under my hand, this the 21st day of October, 1921.

J. C. Whitcomb.

Sworn to and subscribed before me, this the 21st day of October, 1921.

S. P. Dunn,
Judge of Probate.

Also:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

With notice and proof attached and herewith exhibited as follows:

Notice is hereby given of the intention to apply to the Legislature of Alabama at the extraordinary session thereof held in the year 1921, for the passage of an act to authorize the commissioners court of Conecuh county to pay out of the general fund of said county to the tax assessor of said county six hundred dollars per annum for extra help in his said office.

Notice is hereby given of the intention to apply to the Legislature of Alabama, at the extraordinary session thereof held in the year 1921, for the passage of an act to authorize the commissioners' court of Conecuh county to pay out of the general fund of said county to the tax assessor of said county six hundred dollars per annum for extra help in his said office.

State of Alabama, }
Conecuh County. }

Before me, F. J. Dean, a notary public in and for said State and county, personally appeared Geo. W. Salter, who being duly sworn, deposes and says that he is editor and publisher of The Evergreen Courant, a newspaper published weekly at Evergreen in said county and State; that the above and foregoing notice was published in said The Evergreen Courant for four consecutive weeks in the issues of September 28th, October 5th, October 12th, October 19th in the year 1921.

Geo. W. Salter,

Editor and Publisher, The Evergreen Courant.

Subscribed and sworn to before me this the 22nd day of October, 1921.

F. J. Dean,
Notary Public.

Also:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

With notice and proof attached and herewith exhibited as follows:

NOTICE.

There will be a bill introduced at the extra session of the Legislature of Alabama for the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to

appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

The State of Alabama, }
Elmore County. }

I, Frances Golson, editor of the Weekly Herald, a newspaper published in the county of Elmore, do hereby certify that the hereunto attached notice was published in said Weekly Herald for four consecutive weeks, September 9, 16, 23 and 30, 1920.

Frances Golson.

Sworn to and subscribed before me this the 30th day of September, 1920.

E. J. Cain,
Notary Public.

Also:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Also:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

With notice and proof attached and herewith exhibited as follows:

PUBLIC NOTICE.

State of Alabama, }
Escambia County, }
City of Brewton. }

That notice is hereby given as required by section 106 of the Constitution, that Rev. J. E. Deer will apply to the Legislature of Alabama at the extra session and meeting thereof to be held beginning, to-wit, October 4th, 1921, for relief and for the enactment of a law for that purpose; this notice is published without cost to the State in Escambia county, Alabama, in "The Brewton Standard," a weekly newspaper published in said county, at least once a week for four consecutive weeks prior to the introduction of said proposed law granting said relief, the substance and effect of said proposed law is as follows, to-wit:

Be it enacted by the Legislature of Alabama:

Section 1. That whereas, the Rev. J. E. Deer, of Escambia county, Alabama, and a minister of the gospel, did, at the request of the State chaplain, preach and labor among the State convicts at the Bagdad Land and Lumber Company, and the Dixie Turpentine Company, in said county,

during the years 1916, 1917 and 1918; distribute Bibles among said convicts and pay his traveling expenses, and has personally borne all of such expense at his own private cost and without pay or reward, from the State or the county, and whereas, it is not the policy of this State to require such needed services without some compensation that is deemed reasonable, just and right.

Section 2. That whereas, the court of county commissioners of said county did on the 7th day of January, 1919, make an order approving the amount, merit and justness of said claim and has appealed to this body requesting that it give the proper relief; and whereas, both House and Senate did heretofore in the session of 1919, unanimously pass this bill granting said relief, but the same was vetoed with regret by the governor for want of sufficient notice as required by the Constitution; therefore,

Section 3. There is hereby appropriated out of monies in the State treasury not otherwise appropriated for the relief of said Rev. J. E. Deer, and he is allowed the sum of twelve dollars and fifty cents (\$12.50) per month for thirty-four (34) months, the time he served said convicts, amounting in all to the sum of four hundred and twenty-five (\$425.00) dollars, and the State auditor is hereby authorized and directed to draw his warrant upon the treasurer of the State of Alabama in favor of Rev. J. E. Deer, for the sum of four hundred and twenty-five (\$425.00) dollars, and the treasurer of the State of Alabama shall pay said warrant out of any monies in the State treasury, not otherwise appropriated.

I will furnish proof by affidavit to each House of the Legislature that the foregoing notice has been duly given. Witness this 27th day of September, 1921.

J. E. Deer.

PROOF OF PUBLICATION.

I, W. E. Brooks, the publisher of a weekly newspaper, published in Escambia county, Alabama, the name of which paper is "The Brewton Standard," do hereby state under oath, that the foregoing annexed printed words and figures compose a true and correct copy of a notice that Rev. J. E. Deer will apply to the Legislature of Alabama for the enactment of a law for his relief; said notice is clipped from the original issues of said newspaper; said notice and the words and figures composing the same have been published in said newspaper for four (4) consecutive weeks, and appeared and was published in said newspaper on the following dates, namely: September 29th, October 6th, October 13th, and October 20th, in the year 1921; I have personal knowledge of the foregoing facts and make this statement under oath; that said notice has been published without cost to the State in said Escambia county, and said notice shows the substance of the said proposed law, and said notice hereto annexed is made a part hereof.

In witness whereof, I have hereunto set my hand the 20th day of October, 1921.

W. E. Brooks,

Publisher of said newspaper.

Sworn to and subscribed to before me on this the 20th day of October, 1921.

(Seal)

C. B. Sawyer,
Notary Public.

Also:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, des-

ignation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

The House bills set out in the foregoing message from the House were read one time and referred to appropriate standing committees as follows by the President of the Senate:

H. 114, 113, 115. To the Committee on Local Legislation.

H. 42, 71. To the Committee on Judiciary.

H. 52, 120. To the Committee on Finance and Taxation.

ADJOURNMENT.

On motion of Mr. McDowell, the Senate at 7 o'clock adjourned to meet tomorrow morning at 11 o'clock.

SEVENTEENTH DAY.

Friday, October 28, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Ingram, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Craft	Miller	Rogers (Lauderdale)
Baker	Ellis	Moore	Rogers (Sumter)
Beale	Espy	Morris	Sims
Brown	Evins	McDowell	Smith (Coosa)
Caffey	Harper	Nance	Tally
Carlton	Huddleston	Phillips	Teasley
Carmichael	Kelly	Prestwood	West
Cowan			

—29

JOURNAL.

On motion of Mr. Carmichael, the reading of the Journal of yesterday was dispensed with:

REPORTS OF COMMITTEES.

Mr. Brown, chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Burleson:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Mr. Sims, chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cliett:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

(Which was read at length as required by the Constitution.)

Mr. Carmichael, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Partridge:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

BILLS ON THIRD READING.

The bill:

S. 83. To amend an act approved September 5th, 1919 entitled, An act to further extend the power and authority of boards

of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women, within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Harper	Rogers (Sumter)
Baker	Carmichael	Huddleston	Sims
Beale	Cowan	Miller	Smith (Coosa)
Brown	Craft	Morris	Tally
Butler	Ellis	McDowell	West
Caffey	Espy		

—22

Nays:—None.

The bill:

S. 81. To provide for the purchase of county supplies for the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

Was read a third time at length and passed and ordered sent to the House without engrossment.

Yeas, 20; Nays, 0.

Yeas:

Messrs:

Acker	Caffey	Espy	McDowell
Baker	Carlton	Evins	Phillips
Beale	Cowan	Huddleston	Sims
Brown	Craft	Miller	Tally
Butler	Ellis	Morris	West

—20

Nays:—None.

The bill:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and

to provide a penalty for the violation thereof, approved September 23, 1919.

Was read a third time at length and passed.

Yeas, 25; Nays, 0.

Yeas:

Messrs:

Acker	Cowan	Miller	Rogers (Sumter)
Baker	Craft	Morris	Sims
Beale	Ellis	McDowell	Smith (Coosa)
Brown	Espy	Phillips	Tally
Caffey	Evins	Prestwood	Teasley
Carlton	Harper	Rogers (Lauderdale)	West
Carmichael			

—25

Nays:—None.

RECESS.

On motion of Mr. Rogers of Sumter, the Senate at 12:30 P. M., recessed until 3:30 this afternoon.

AFTERNOON SESSION.

Friday, October 28, 1921.

The Senate reassembled at 3:30 P. M., with Lieutenant Governor Miller, presiding.

On a call of the roll 25 Senators answered to their names, a quorum of the Senate.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substi-

tuted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Brown, the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the foregoing message from the House, said amendment being in words and figures as follows:

A BILL

Amend Senate bill No. 30 so as to read as follows:

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX. Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State highway commission or highway department shall locate, construct, and

maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.:

"Shall the following be adopted as article XX of the Constitution of Alabama?

"Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest

not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State highway commission or highway department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the governor.

Yeas, 24; Nays, 1.

Yeas:

Messrs:

Acker	Carmichael	Harper	Rogers (Sumter)
Baker	Cowan	Miller	Sims
Beale	Craft	Morris	Smith (Coosa)
Brown	Ellis	McDowell	Tally
Caffey	Espy	Phillips	Teasley
Carlton	Evins	Rogers (Lauderdale)	West

—24

Nays:

Mr. Prestwood—1.

And said bill as thus amended was read at length and passed.

Yeas, 24; Nays, 1.

Yeas:

Messrs:

Acker	Carmichael	Harper	Rogers (Sumter)
Baker	Cowan	Miller	Sims
Beale	Craft	Morris	Smith (Coosa)
Brown	Ellis	McDowell	Tally
Caffey	Espy	Phillips	Teasley
Carlton	Evins	Rogers (Lauderdale)	West

—24

Nays:

Mr. Prestwood—1.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and, as amended, has passed the bill:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Carmichael, the Senate concurred in and adopted the amendment proposed by the House to the bill set out

in the foregoing message from the House, said amendment being in words and figures as follows:

Amend by inserting after word "money," section 1, the following: "as fees salary or compensation for official services rendered."

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Baker	Craft	Morris	Sims
Beale	Ellis	McDowell	Smith (Coosa)
Brown	Espy	Phillips	Tally
Caffey	Evins	Prestwood	West
Carlton	Harper		

—22

Nays:—None.

REPORTS OF COMMITTEES.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fuller:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment."

Mr. West, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rogers of Lauderdale:

S. 85. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

By Mr. Salter:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

By Mr. Salter:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Cone-

cuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness' fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

By Mr. Rogers of Lauderdale:

S. 84. To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

By Mr. Arnold:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Mr. Brown, acting chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis of Elmore:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

By Mr. Rogers of Sumter:

S. 80. To pay the town of Livingston for a school building and lot conveyed by said town to the State for the State Normal School located at Livingston.

By Mr. Jones of Escambia:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Mr. Acker, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Howle:

H. 42. To amend section 19 of an act entitled, "An act to enlarge the authority, powers and jurisdiction of the Alabama public service commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Mr. Prestwood, chairman of the Standing Committee on Constitution, Constitutional Revision and Amendments, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dunaway:

H. 18. To appropriate twenty-five thousand dollars (\$25,000,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bills, your signature thereto is requested:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

Also:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Also:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Fred H. Gormley,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

Also:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Also:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bill, your signature thereto is requested:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Also:

H. J. R. 42. Enrolled, House joint resolution relative to the payment of the per diem for each day of the joint committee of

the House and Senate of the Legislature for the purpose of investigating the highway department and the convict department which committee made its journal report to the regular session of the Legislature of 1919.

Fred H. Gormley,
Clerk.

SIGNING OF BILL AND RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bill and joint resolution:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Also:

H. J. R. 42. Enrolled, House joint resolution relative to the payment of the per diem for each day of the joint committee of the House and Senate of the Legislature for the purpose of investigating the highway department and the convict department which committee made its journal report to the regular session of the Legislature of 1919.

To the Senate of Alabama:

I am directed by the governor to hand you herewith his message concerning the development and utilization of hydro-electric power on the Tennessee river at Muscle Shoals.

W. A. Darden,
Secretary to the Governor.

October 28, 1921.

To the Senate and House of Representatives:

The subject of developing and utilizing hydro-electric power on the Tennessee river at or near Muscle Shoals in this State is today, in my judgment, the most important subject, from an industrial standpoint, which has ever arisen in this State. All the people of Alabama are now intensely interested in the speedy completion, development, and distribution of this enormous electrical energy which promises to be one of the greatest projects of its kind in all the history of this or any other state. For these reasons it occurs to me eminently proper, if not necessary, that the State itself should manifest interest in this stupendous project by taking some appropriate action toward promoting, encouraging, and aiding in the develop-

ment, utilization, and distribution of this wonderful force and electric energy.

It is common knowledge that hydro-electric power is fast taking the place of steam, gases, and other forms of electricity. It will be but a few years until this form of power and energy will be the chief, if not the exclusive, motive power and energy with which to drive the countless wheels of machinery of most all of the important industries in all the states. Few states, if any, in the union possess more or greater water powers with which to develop hydro-electric energy than the State of Alabama. Nature has been so generous to this section as to almost lavish her gifts of navigable streams and water powers. It, therefore, behooves the State of Alabama as a sovereign state to take action to the end of developing, conserving, preserving, and utilizing and distributing this wonderful power which nature has so generously provided. While the people themselves are intensely interested in this matter, the State itself has manifested little or no interest in the subject. Is it not, therefore, time that the State itself should take some appropriate action in aiding the United States or other parties in developing and utilizing this power for the common good of the people of this State?

Under the Constitution and laws of the State and United States the title to the waters and to the lands covered by the waters of all navigable streams is in the several states.

When the American revolution took place the people of each state or colony became themselves a sovereign, and in that character they hold the absolute right to their navigable waters and the soil under them and the banks of them for their own common use, subject only to the rights thereafter surrendered by the states to the United States by and through the Constitution. The power exercised by the State over the navigable waters and the lands under them and the water powers is nothing more than the right of regulating, improving, and securing them for the benefit of every individual citizen of the State. For this reason this sovereign power itself cannot consistently with the law of nature and of well-organized society make a direct and absolute grant or surrender of the rights and powers over the navigable waters of the State so as to divest the citizens of their common and inheritable right thereto. To do so would be a grievance which could not and would not be long borne by a free people.

The character of the title or ownership by which the state holds its statehouse or other property is quite different from that by which it holds the title to the navigable waters and the water powers, and the lands under the navigable waters of the State. The legislature of a state cannot give away or sell absolutely the discretion of its successors in respect to matters, the government of which from the very nature of things must vary with varying circumstances. The legislation which may be needed one day for the water power or for navigation may be different from the legislation that may be required at another day. Any attempted cession of the ownership of the State in and over the water power of the navigable waters of the State would be inoperative to, affect, modify, or control sovereignty and dominion of the State over such navigable waters or of the water powers thereof, or of its ownership therein.

It is, therefore, not only the right but the duty of the State to develop and utilize these powers, or cause them to be developed and utilized, unless the United States asserts its power and authority in such sense and manner as to be inconsistent with the exercise of the State's power and control over the navigable waters of the State. As to the water powers of this State, it cannot consistently with the law of nature or of the United States make a direct and absolute grant or surrender of its rights and powers so as to divest the inhabitants of the State of their common and inheritable right thereto. While the State itself could not now engage in the business of

improving and utilizing the water powers of the State, it can co-operate with the United States or with third parties in developing and regulating the utilization of such powers so as to secure them for the benefit of the people of the State.

In the event that there should be unreasonable delay or entire failure to complete the development of hydro-electric energy at or near Muscle Shoals in the State of Alabama by the United States or its lessees for the purpose of developing and utilizing this power of the Tennessee river, will it not be proper, yea, necessary, that the people of this State amend their Constitution so as to authorize the State itself to acquire from the government of the United States the property owned and controlled by it at Muscle Shoals and with the consent of and in conjunction with the United States complete and perfect the work thus begun by the United States?

I commend this subject to your most earnest consideration.

Respectfully,
Thos. E. Kilby,
Governor.

October 28, 1921.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement

of such street or streets or part thereof, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Fred H. Gormley,
Clerk.

RESOLUTION.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 36. Be it resolved by the Senate, the House concurring, that the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary and five clerks; and the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and five clerks, to be named by the Secretary of the Senate and Clerk of the House, respectively, be given a period of three weeks or so much thereof as may be necessary after the final adjournment of this session of the Legislature, to check and compare the journals and registers of the two houses, at the same per diem as they are now allowed by law.

Be it further resolved, that the clerks employed under this resolution shall be relieved from duty as the work is finished.

Which was read one time and referred to the Standing Committee on Rules.

ADJOURNMENT.

On motion of Mr. Acker, the Senate at 6 P. M., adjourned to meet tomorrow morning at 9 o'clock.

EIGHTEENTH DAY.

Saturday, October 29, 1921.

The Senate met pursuant to adjournment with Lieutenant Governor Miller, presiding.

Prayer by Rev. Mr. Bickerstaff, of Montgomery.

ROLL CALL.

Present:

Messrs:

Acker	Cowan	Kelly	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Moore	Sims
Brown	Espy	Morris	Smith (Coosa)
Caffey	Evins	McDowell	Tally
Carlton	Harper	Phillips	Teasley
Carmichael	Huddleston	Prestwood	West

JOURNAL.

On motion of Mr. West, the reading of the Journal of yesterday was dispensed with.

BILLS ON THIRD READING.

The bill:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Sims
Beale	Ellis	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Caffey	Harper	Rogers (Lauderdale)	West
Carlton	Kelly		

—18

Nays:—None.

The bill:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment."

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Miller	Smith (Coosa)
Baker	Carmichael	Morris	Tally
Beale	Ellis	McDowell	Teasley
Brown	Evins	Sims	West
Caffey	Kelly		

—18

Nays:—None.

The bill:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Was read a third time at length and passed.

Yeas, 18; Nays, 0.

Yeas :

Messrs :

Acker	Carlton	Morris	Smith (Coosa)
Beale	Ellis	McDowell	Tally
Brown	Evins	Rogers (Lauderdale)	Teasley
Butler	Kelly	Sims	West
Caffey	Miller		

—18

Nays :—None.

The bill:

H. 18. To appropriate twenty-five thousand dollars \$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas :

Messrs :

Acker	Ellis	Moore	Rogers (Sumter)
Beale	Evins	Morris	Sims
Brown	Harper	McDowell	Smith (Coosa)
Caffey	Huddleston	Phillips	Tally
Carlton	Kelly	Prestwood	Teasley
Craft	Miller	Rogers (Lauderdale)	West

—24

Nays :—None.

The bill:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Craft	Kelly	Prestwood
Brown	Ellis	Miller	Rogers (Lauderdale)
Caffey	Espy	Moore	Rogers (Sumter)
Carlton	Evins	Morris	Sims
Carmichael	Harper	McDowell	Smith (Coosa)
Cowan	Huddleston	Phillips	Tally

--24

Nays:—None.

The bill:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Was read a third time at length and passed.

Yeas, 19; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Kelly	Smith (Coosa)
Baker	Carmichael	Miller	Tally
Beale	Ellis	Morris	Teasley
Brown	Evins	McDowell	West
Caffey	Harper	Rogers (Lauderdale)	

—19

Nays:—None.

The bill:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants and attorney; and to require the deposit of county funds.

Was taken up.

Mr. West offered the following amendment:

AMENDMENT TO HOUSE BILL NO. 57.

To amend section 4 of the bill by striking out of the third line of that section the words "the fund from which such interest is derived," and insert in lieu thereof "the general school fund of the county."

Which was adopted.

Yeas, 19; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Miller	Sims
Baker	Carmichael	Morris	Smith (Coosa)
Beale	Ellis	McDowell	Tally
Brown	Evins	Prestwood	West
Caffey	Kelly	Rogers (Lauderdale)	

—19

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 24; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Sumter)
Baker	Cowan	Moore	Sims
Beale	Ellis	Morris	Smith (Coosa)
Brown	Evins	McDowell	Tally
Caffey	Harper	Prestwood	Teasley
Carlton	Kelly	Rogers (Lauderdale)	West

—24

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following bill:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. West, the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the foregoing message from the House, said amendment being as follows:

AMENDMENT TO SENATE BILL NO. 52.

Amend the bill by striking out the following: "Provided, however, that in counties where these officers are paid salaries, no commissions or fees shall be allowed for assessing and collecting the three mill county school tax and the three mill district school tax," and insert in lieu thereof the following, "Provided, however, that in counties of more than 150,000 population according to the last Federal census, or any subsequent Federal census, no fees or commissions shall be allowed for assessing and

collecting the three mill county school tax and the three mill district school tax, but in lieu thereof the tax collector and tax assessor of such counties shall each retain the sum of one thousand (\$1,000) dollars per annum for their services rendered in assessing and collecting such taxes, which said amount shall not be paid by said assessor or collector into the general funds of the county, and said collector or assessor may retain such amount out of the three mill county school tax when he makes payment to the treasurer of the county school board."

Also, amend the bill by adding the following: "Be it further enacted that this bill will become effective when approved by the governor of Alabama."

"All laws and parts of laws in conflict herewith are hereby repealed."

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Morris	Sims
Baker	Ellis	McDowell	Smith (Coosa)
Beale	Evins	Prestwood	Tally
Brown	Harper	Rogers (Lauderdale)	Teasley
Caffey	Kelly	Rogers (Sumter)	West
Carlton	Miller		

—22

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

Also:

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Also:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the pass-

age of this act to transfer the fine and forfeiture fund of said county to the general fund.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

BILLS ON THIRD READING RESUMED.

The bill:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Was read a third time at length and passed.

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Morris	Rogers (Sumter)
Baker	Ellis	McDowell	Sims
Beale	Evins	Phillips	Smith (Coosa)
Brown	Harper	Prestwood	Tally
Caffey	Kelly	Rogers (Lauderdale)	West
Carlton	Miller		

—22

Nays:—None.

The bill:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Baker	Ellis	Morris	Rogers (Sumter)
Beale	Evins	McDowell	Sims
Brown	Harper	Phillips	Smith (Coosa)
Caffey	Kelly	Prestwood	Tally
Carlton			

—21

Nays:—None.

The bill:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama

public service commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Was taken up.

Mr. Acker offered the following amendment:

Amend House bill No. 42 by inserting in said bill in line 9 of the second page after the words "for the calendar year" and before the words "preceding the date herein fixed" the word "next."

Which was adopted.

Yeas, 21; Nays, 0.

Nays:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Baker	Ellis	Morris	Sims
Beale	Evins	McDowell	Smith (Coosa)
Brown	Harper	Phillips	Tally
Caffey	Kelly	Prestwood	West
Carlton			

—21

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker	Carmichael	Miller	Rogers (Lauderdale)
Baker	Ellis	Morris	Sims
Beale	Evins	McDowell	Smith (Coosa)
Brown	Harper	Phillips	Tally
Caffey	Kelly	Prestwood	West
Carlton			

—21

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the Senate amendments to the bills:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population ac-

ording to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants and attorney; and to require the deposit of county funds.

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama public service commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 18. To amend section 6906 of the Code of Alabama (1907).

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the

foregoing message from the House, said amendment being as follows:

Amend Senate bill No. 18 by adding after the figures "1907" the following:

"Be it enacted by the Legislature of Alabama: Section 1. That section 6906 of the Code of Alabama, 1907, be amended."

Yeas, 22; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Miller	Sims
Baker	Carmichael	Morris	Smith (Coosa)
Beale	Craft	McDowell	Tally
Brown	Ellis	Prestwood	Teasley
Butler	Evins	Rogers (Lauderdale)	West
Caffey	Huddleston		

—22

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

And returns said bill herewith to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Brown, the Senate concurred in and adopted the amendment proposed by the House to the bill set out in the foregoing message from the House, said amendment being as follows:

Amend caption of bill by striking out of the caption the following words: "The dox tag fund now in."

Amend section 2 of the bill by striking out the following words: "The dog tax fund now in."

By adding to said bill section 3 as follows:

"Section 3. The amount appropriated under this act shall not exceed the sum of twenty thousand dollars (\$20,000)."

Amend section 1 by striking out the words "the dog tax fund by."

And by striking out the word "of" before the words "the State health officer" and inserting in lieu thereof the word "by."

Yeas, 20; Nays, 0.

Yeas:**Messrs:**

Acker	Carlton	Kelly	Rogers (Lauderdale)
Baker	Carmichael	Morris	Sims
Beale	Craft	McDowell	Smith (Coosa)
Brown	Ellis	Phillips	Tally
Caffey	Evins	Prestwood	West

—20

Nays:—None.**BILLS ON THIRD READING RESUMED.**

The bill:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Was taken up.

Mr. Carmichael offered the following amendment:

AMENDMENT TO HOUSE BILL NO. 33.

Amend section one of the bill, by inserting after the words: "providing funds to pay the cost of any improvement" and before the words "authorized to be made," the following "not to exceed the amount of any estimate or corrected estimate made before the letting of the contract."

And by inserting after the words "for the completion of the improvement," where they occur in subdivision two of section one of the bill, the following words "within the limits as hereinabove provided."

Which was adopted.

Yeas, 20; Nays, 0.

Yeas:**Messrs:**

Acker	Carmichael	Kelly	Rogers (Lauderdale)
Baker	Craft	Miller	Rogers (Sumter)
Beale	Ellis	Morris	Smith (Coosa)
Caffey	Evins	McDowell	Tally
Carlton	Huddleston	Phillips	West

—20

Nays:—None.

And said bill as thus amended was read a third time at length and passed.

Yeas, 18; Nays, 2.

Yeas:**Messrs:**

Acker	Craft	Phillips	Smith (Coosa)
Baker	Ellis	Rogers (Lauderdale)	Tally
Beale	Evins	Rogers (Sumter)	Teasley
Caffey	Kelly	Sims	West
Carmichael	McDowell		

—18

Nays:
Messrs:
Carlton

Huddleston

—2

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

RESOLUTION.

Mr. Bealle offered the following resolution:

S. R. 37. Resolved by the Senate, that the Doorkeeper of the Senate, J. K. Jenkins, be instructed to gather up all of the Codes of Alabama and the Acts of the Legislature, which were furnished to the Senate by the Secretary of the State and return them to the Secretary of State;

Resolved further, that he be relieved of all responsibility to the Secretary of State for any that may have been lost or misplaced or for any that cannot be found or accounted for.

Which was adopted.

REPORT FROM RULES COMMITTEE.

Mr. Acker, chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and returned same to the Senate without recommendation:

S. J. R. 36. Be it resolved by the Senate, the House concurring, that the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary and five clerks; and the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and five clerks, to be named by the Secretary of the Senate and Clerk of the House, respectively, be given a period of three weeks or so much thereof as may be necessary after the final adjournment of this session of the Legislature, to check and compare the journals and registers of the two houses, at the same per diem as they are now allowed by law.

Be it further resolved, that the clerks employed under this resolution shall be relieved from duty as the work is finished.

Mr. Acker offered the following amendment:

Amend S. J. R. No. 36 by striking out "three weeks" where said words occur and insert in lieu thereof the words "ten days."

Which amendment was lost.

The question then recurred on the adoption of the resolution and said resolution was adopted.

Yeas, 14; Nays, 7.

Yeas:

Messrs:

Beale	Ellis	Phillips	Smith (Coosa)
Caffey	Huddleston	Rogers (Lauderdale)	Tally
Carlton	Miller	Sims	West
Carmichael	McDowell		

—14

Nays:

Messrs:

Acker	Evins	Kelly	Prestwood
Baker	Harper	Morris	

—7

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his excellency, the governor, proposing an amendment to the bill:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving and maintaining roads, highways and bridges:

To the House of Representatives:

I return herewith House bill No. 46 with an amendment. In my opinion every safeguard should be thrown around the execution, issuance and sale of the enormous amount of securities contemplated by this bill. To that end I suggest the following amendment:

Amend section 3 of the bill by striking out the word "two" where it first appears in said section and inserting in lieu thereof the word "three."

Respectfully,
Thos. E. Kilby,
Governor.

October 29, 1921.

And the House has concurred in and adopted the amendment proposed by the governor; Yeas, 62; Nays, 0, and sends said bill together with the governor's amendment, to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the amendment proposed by the governor to the bill set out in the foregoing message from the House.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker	Carlton	Miller	Rogers (Lauderdale)
Baker	Carmichael	Morris	Sims
Beale	Craft	McDowell	Smith (Coosa)
Brown	Ellis	Phillips	Tally
Caffey	Evins	Prestwood	West

—21

Nays:—None.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bills, your signature thereto is requested:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Also:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Also:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Also:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Also:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment."

Fred H. Gormley,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties and powers of the circuit judges of the State, and to provide for their election and appointment."

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted the amendment offered by the Senate to the bill:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has received the accompanying message from his excellency, the governor, proposing an amendment to the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

To the House of Representatives:

I return herewith House bill No. 45 with the following amendments:

"Amend section 1 of said bill by striking out the following sentence: "The Governor may for good cause remove any appointed member but the cause of said removal must be by the governor filed with the State highway engineer and recorded in the records of the State highway commission," and insert in lieu thereof the following provision, to-wit:

"The governor may remove any member as is now provided by law for the removal of appointed officers by the governor."

Amend section 9 of the bill by striking out the following sentence, to-wit: "Said sums herein appropriated, when received by the State treasurer, shall be set aside in a separate fund, known as the State highway fund and be used for no other purpose than the carrying out of the provisions of this act."

Amend section 10 of the bill by inserting after the words, "Approved by the chairman of the State highway commission," and before the words,

"To the effect that such county is entitled to such sum and funds," the following words, to-wit: "and the governor."

Amend section 13 of the bill by inserting after the words "and approved by the State highway commission" and before the words "whenever a county fails to make application" the words "and the governor."

Amend the bill by adding thereto the following section, to-wit:

"Section 28. This act shall take effect immediately upon the approval of the governor, the public good requiring it."

Respectfully,
Thos. E. Kilby,
Governor.

October 29, 1921.

The House has concurred in and adopted the amendment proposed by the governor: Yeas, 51; Nays, 15, and sends said bill together with the message of the governor, to the Senate.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Rogers of Sumter, the Senate concurred in and adopted the amendment proposed by the governor to the bill as set out in the foregoing message from the House.

Yeas, 21; Nays, 0.

Yeas:

Messrs:

Acker	Ellis	Miller	Rogers (Sumter)
Beale	Evins	Morris	Sims
Caffey	Harper	McDowell	Smith (Coosa)
Carlton	Huddleston	Prestwood	Tally
Carmichael	Kelly	Rogers (Lauderdale)	West
Craft			

—21

Nays:—None.

JOINT RESOLUTION.

Mr. Rogers of Sumter offered the following resolution:

S. J. R. 38. Be it resolved by the Senate, the House concurring, that Gustave Frederick Mertins of Montgomery, Alabama, be, and he is hereby designated poet laureate of Alabama.

Which, on motion of Mr. Prestwood, was indefinitely postponed.

Yeas, 13; Nays, 6.

Yeas:

Messrs:

Baker	Huddleston	Prestwood	Smith (Coosa)
Beale	Miller	Rogers (Lauderdale)	Tally
Evins	Morris	Sims	West
Harper			

—13

Nays:

Messrs:

Caffey	Craft	Kelly	Rogers (Sumter)
Carlton	Ellis		

—6

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the following enrolled bills with the engrossed and original bills, respectively, and find same correctly enrolled, to-wit:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others to be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

S. 18. To amend section 6906 of the Code of Alabama (1907).

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

S. 77. To provide further for the payment of expenses of treatment, out of the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed

amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

S. 35. To repeal an act entitled "An act to further provide for improvment and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

S. 18. To amend section 6906 of the Code of Alabama (1907).

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

S. 77. To provide further for the payment of expenses of treatment, out of the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bills:

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

S. 47. For the relief of P. B. Jarman of Sumter county authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. 36, relative to the Secretary of Senate and Clerk of House, together with their assistants, being allowed extra time to complete the Journals and work of the Senate and House.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has passed the following Senate bill:

S. 54. To repeal an act entitled an act "to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and over-

flowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts, for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved Sept. 30, 1919.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr President:

The House has originated and adopted the following House joint resolution and sends same herewith to the Senate without engrossment.

By Mr. Deese:

H. J. R. 50. Be it resolved by the House, the Senate concurring, that when the Acts of the Legislature and the Journal of each house of the special session of the Legislature of 1921 shall have been published, the secretary of State is hereby directed to send every Senator and Representative, Lieutenant Governor, Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerk of the House, two copies of said Acts of 1921, together with one copy of the Journal of each house.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Carmichael, and under a suspension of the rules, the resolution set out in the foregoing message from the House was concurred in and adopted.

REPORT FROM COMMITTEE ON ENROLLED BILLS.

Mr. President:

Your Standing Committee on Enrolled Bills beg leave to report that said committee, in session, have compared the follow-

ing enrolled bills with the engrossed and original bills and joint resolution, respectively, and find same correctly enrolled, to-wit:

S. J. R. 36. Relative to the Secretary of the Senate and Clerk of the House, together with their assistants, being allowed three weeks in which to check up the Journals and Registers of the two houses, their pay being the same as now allowed by law.

S. 54. To repeal an act entitled "An act to promote public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." "Approved September 30, 1919."

S. 47. For the relief of P. B. Jarman of Sumter county, authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

Chas. McDowell,
Chairman.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills and joint resolution:

S. J. R. 36. Relative to the Secretary of the Senate and Clerk of the House, together with their assistants being allowed three weeks in which to check up the Journals and Registers of the two houses, their pay being the same as now allowed by law.

S. 54. To repeal an act entitled "An act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." "Approved September 30, 1919."

S. 47. For the relief of P. B. Jarman of Sumter county, authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

RESOLUTIONS.

Mr. Acker offered the following resolution:

S. J. R. 39. Resolved by the Senate, the House concurring, that a committee of two from the Senate and three from the House be appointed to wait upon the governor, and ascertain whether he desires to make any further communications to the Legislature before final adjournment.

Which was adopted.

And the President of the Senate names as committee on part of the Senate, Messrs. Acker and Smith of Coosa.

Mr. Acker also offered the following resolution:

S. R. 40. Resolved by the Senate, that the Doorkeeper, J. K. Jenkins be, and he is hereby authorized and requested to remain after the final adjournment to return to the office of the Secretary of State the books furnished for the use of the Senate, and that he be allowed pay for two additional days at the same per diem as during the session.

Which was adopted.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has concurred in and adopted S. J. R. No. 39, relative to a joint committee to await upon the governor, and the Speaker names on part of the House, Messrs. Green, Waddell and Lang of Sumter.

And returns same herewith to the Senate.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following resolution, your signature thereto is requested:

H. J. R. 50. Enrolled, House joint resolution relative to delivery of Acts and Journal of the special session of the Legislature.

Fred H. Gormley,
Clerk.

SIGNING OF RESOLUTION.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the following joint resolution:

H. J. R. 50. Relative to delivery of Acts and Journals of the special session of the Legislature.

RESOLUTION.

Mr. Craft offered the following resolution:

S. R. 41. "Whereas, the Lieutenant Governor has presided over this Senate at this special session with fairness and impartiality, and whereas at all times he has been prompt and efficient in the dispatch of business and courteous to all the members,

"Therefore be it resolved by the Senate, that the thanks of this body are hereby extended to him."

Which was unanimously adopted under a suspension of the rules.

MESSAGE FROM THE HOUSE.

Mr. President:

The Speaker of the House having signed the following bills, your signature thereto is requested:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general

and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Also:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Also:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama public service commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Also:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Also:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving and maintaining roads, highways and bridges.

Also:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Fred H. Gormley,
Clerk.

SIGNING OF BILLS.

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the following bills:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Also:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Also:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama public service commission so as to more effectively provide for

the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Also:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Also:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving and maintaining roads, highways and bridges.

Also:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any said municipal corporations to

levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

REPORT OF THE SECRETARY.

To the Senate:

In accordance with the rule of the Senate, I hereby make report as to the delivery and time of delivery to the governor of bills and resolutions passed and adopted by the Senate:

S. 1 and 21. Delivered to the governor October 20th at 3:24 P. M.

S. 6, 44, 58 and 19 delivered to the governor October 24th at 3:30 P. M.

S. 6, 15 and 29 delivered to the governor October 25th at 4:15 P. M.

S. 22 and 37 delivered to the governor at 4:10 P. M., October 28th.

S. 30, 59, 2, 3, 35, 74, 34, 52, 25, 18, 68, 77, delivered to the governor at 1 P. M., October 29th.

S. J. R. 36, S. 54, 47 and 53, delivered to the governor at 4:40 P. M., October 29th.

Respectfully submitted,
W. F. Miller,
Secretary.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL.

Mr. Carlton, acting chairman of the Standing Committee on the Revision of the Journal, begs leave to report that said committee, in session, have examined the Journal of the Senate for the 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 18th legislative days and find same contain the proper entries in reference to each bill and resolution contained therein as required by the Constitution.

T. J. Carlton,
Acting Chairman.

COMMITTEE REPORT.

On motion of Mr. Carlton, the foregoing report from the Committee on Revision of the Journal was adopted, and the Journal of the Senate for the 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 18th legislative days was approved by the Senate.

MESSAGE FROM THE HOUSE.

Mr. President:

The House has originated and adopted the following joint resolution and sends same herewith to the Senate:

By Mr. Green:

H. J. R. 51. Be it resolved by the House, the Senate concurring, that the two houses do now adjourn *sine die*.

Fred H. Gormley,
Clerk.

HOUSE MESSAGE.

On motion of Mr. Acker, the Senate concurred in and adopted the joint resolution as set out in the foregoing message from the House.

ADJOURNMENT.

On motion of Mr. Ellis, the Senate at 6:10 P. M., and in accordance to joint resolution heretofore adopted, adjourned *sine die*.

NATHAN L. MILLER,
Lieutenant Governor and
Presiding Officer of the Senate.

Attest:

WALTER F. MILLER,
Secretary.

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
SPECIAL SESSION OF 1921
HELD IN THE CITY OF MONTGOMERY
COMMENCING
TUESDAY, OCTOBER 4, 1921



WITH AN INDEX PREPARED BY THE CLERK OF THE HOUSE
OF REPRESENTATIVES

Montgomery, Ala.
Brown Printing Company
State Printers and Binders
1922

JOURNAL OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

FIRST DAY

Montgomery, Ala., Tuesday, October 4th, 1921.

Be it remembered that on the 24th day of September A. D. 1921, His Excellency, Thos. E. Kilby, Governor of the State of Alabama, issued his proclamation convening the Legislature in extra session in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

Whereas, in my opinion an emergency exists requiring the action of the Legislature of Alabama concerning the matters hereinafter specifically mentioned.

Now, Therefore, I, Thomas E. Kilby, Governor of the State of Alabama, do hereby call an extraordinary session of the Legislature to convene at the capitol in the Senate chamber and in the hall of the House of Representatives on Tuesday, the 4th day of October, 1921, at twelve o'clock noon, and I do hereby designate the following subjects and matters as those concerning which action of the Legislature is deemed necessary, namely:

1. To provide for raising money to match funds appropriated by the United States government for the building and maintenance of highways and bridges in the State of Alabama, and to amend the act creating the State highway commission and to amend sections 1408 and 1409 of the Code of 1907 providing for the issuance of bonds by municipalities for road improvement purposes.

2. To provide for exemption of soldiers, sailors and marines from payment of poll taxes.

3. To provide for the development of ports, water fronts and river systems.

4. To revise laws relating to the observance of Sunday and to regulate the exhibition of motion pictures.

5. To permit the manufacture and sale of nonalcoholic cereal beverages.

6. To appropriate money to the State Training School for Girls for building purposes.

7. To amend the law governing the printing and use of fertilizer tags.

8. To authorize the bringing of suits against unincorporated associations.

9. To amend the act which provides for the employment of convicts in mining coal on University coal lands and abolishes the system of leasing convicts.

10. To enable cities and towns to provide means to secure adequate supplies of pure and wholesome water.

11. To provide that advice of the Judges of the Supreme Court of Alabama may be furnished to the governor and the Legislature concerning the constitutionality of bills proposed to be introduced in the Legislature of bills pending therein.

12. To provide for the substitution of tax records of counties which have been lost, stolen or destroyed and for the assessment and collection of taxes for any year when such assessment and collection depends upon substituted records.

13. To amend chapter 176 of the Code of 1907, regulating boycotting and blacklisting.

14. To provide for the deposit and keeping of county funds.

15. To further protect salt water shrimp within the waters of the State of Alabama and within the waters subject to the jurisdiction of the State.

16. To amend the statutes of the State providing for change of venue.

17. To provide penalties for failure to comply with section 7654 of the Code.

18. To appropriate money to defray the expenses of the special session hereby called.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed at the capitol, in the city of Montgomery, on this the 24th day of September, 1921.

THOS. E. KILBY,

Governor.

By the Governor:
WM. P. COBB,
Secretary of State.

In pursuance whereof, at the hour of 12 M., on Tuesday, the 4th day of October, 1921, the representatives in the Legislature of Alabama assembled in the Hall of the House of Representatives.

The House was called to order by Hon. S. A. Lynne, Speaker of the House of Representatives.

PRAYER.

The session was opened with prayer by Rev. J. W. Partridge, member of the House, of Franklin county.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:

Speaker	Bracken	Crump	Fite
Adams	Burleson	Dansby	Fuller
Albright	Calvert	Deese	Gilbert
Alexander	Carnley	Downs	Gilbreath
Allen	Christian	Dunaway	Graham
Arnold	Christopher	Edwards (Dallas)	Green
Barganier	Clayton	Ellis (Bullock)	Guy
Benners	Cliett	Ellis (Elmore)	Hall
Blunt	Cobbs	Faulk	Hall

Harrison	Long (Butler)	Partridge	Stewart
Hawkins	Long (Sumter)	Peters	Tompkins
Hollis	Longshore	Pittman	Trammell
Holmes	Mathews (Clarke)	Reynolds	Truss
Howle	Matthews (Wilcox)	Robertson	Tunstall
Ingram	Milford	Ross	Van de Graaff
Jones (Escambia)	Moorer	Russell	Varner
Jones (Marengo)	Murphree	Salter	Waddell
Johnson	McDonald	Seale	Williams
Jordan	McLeod	Simpson	Williamson
Lawson	Oliver	Smith	Wilson
Lee (Butler)	Orr	Sparks	Woodard
Lee (Perry)	Parker		

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A quorum was present.

RESOLUTION.

The following resolution was introduced:

By Mr. Dansby:

H. R. 1.—Resolved, that the House proceed at once to the election of subordinate officers.

On motion of Mr. Dansby, the rules were suspended and the resolution was adopted.

ELECTION OF ASSISTANT CLERK.

Mr. Deese nominated John Q. Adams of Dale for Assistant Clerk. Those who voted for Mr. Adams are:

Messrs:			
Speaker	Dunaway	Johnson	Reynolds
Adams	Edwards (Dallas)	Jordan	Robertson
Albright	Ellis (Bullock)	Lawson	Ross
Alexander	Ellis (Elmore)	Lee (Butler)	Russell
Allen	Faulk	Lee (Perry)	Salter
Arnold	Fite	Long (Butler)	Seale
Barganier	Fuller	Long (Sumter)	Simpson
Benners	Gilbert	Longshore	Smith
Blunt	Gilbreath	Mathews (Clarke)	Sparks
Bracken	Graham	Matthews (Wilcox)	Stewart
Burleson	Green	Milford	Tompkins
Calvert	Guy	Moorer	Trammell
Carnley	Hall	Murphree	Truss
Christian	Hale	McDonald	Tunstall
Christopher	Harrison	McLeod	Van de Graaff
Clayton	Hawkins	Oliver	Varner
Cliett	Hollis	Orr	Waddell
Cobbs	Holmes	Parker	Williams
Crump	Howle	Partridge	Williamson
Dansby	Ingram	Peters	Wilson
Deese	Jones (Escambia)	Pittman	Woodard
Downs	Jones (Marengo)		

—86

Mr. Adams, having received all the votes cast, was declared duly and constitutionally elected Assistant Clerk of the House for the term prescribed by law.

Mr. Howle nominated Mr. A. L. Scarbrough for Enrolling Clerk of the House.

Mr. Smith nominated Mr. W. P. Fonville for Enrolling Clerk.

Those who voted for Mr. Scarbrough are:

Messrs:			
Speaker	Deese	Milford	Tompkins
Alexander	Dunaway	Moorer	Trammell
Allen	Gilbert	Murphree	Truss
Bracken	Hall	Orr	Tunstall
Christian	Howle	Partridge	Varner
Cliett	Ingram	Peters	Waddell
Cobbs	Jones (Marengo)	Pittman	Williams
Collins	Jordan	Ross	Wilson
Crump	Long (Sumter)	Salter	Woodard
Dansby	Matthews (Wilcox)	Sparks	

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Those who voted for Mr. Fonville are:

Messrs:			
Adams	Edwards (Dallas)	Hawkins	McLeod
Arnold	Edwards (Pike)	Hollis	Oliver
Barganier	Ellis (Bullock)	Jones (Escambia)	Parker
Benners	Ellis (Elmore)	Johnson	Reynolds
Blunt	Faulk	Lawson	Robertson
Burleson	Fite	Lee (Butler)	Russell
Carnley	Gilbreath	Lee (Perry)	Simpson
Christopher	Graham	Long (Butler)	Smith
Clayton	Guy	Longshore	Van de Graaff
Downs	Hale	Mathews (Clarke)	Williamson

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Mr. Fonville, having received a majority of the votes cast, was declared duly and constitutionally elected to the office of Enrolling Clerk for the term prescribed by law.

Mr. Ross nominated Mr. Leon Jackson for Engrossing Clerk, and those who voted for Mr. Jackson are:

Messrs:			
Speaker	Christopher	Fuller	Jones (Escambia)
Adams	Clayton	Gilbert	Jones (Marengo)
Albright	Cliett	Gilbreath	Johnson
Alexander	Cobbs	Graham	Jordan
Allen	Crump	Green	Lawson
Arnold	Dansby	Guy	Lee (Butler)
Barganier	Deese	Hall	Lee (Perry)
Benners	Downs	Hale	Long (Butler)
Blunt	Dunaway	Harrison	Long (Sumter)
Bracken	Edwards (Dallas)	Hawkins	Longshore
Burleson	Ellis (Bullock)	Hollis	Mathews (Clarke)
Calvert	Ellis (Elmore)	Holmes	Matthews (Wilcox)
Carnley	Faulk	Howle	Milford
Christian	Fite	Ingram	Moorer

Murphree	Pittman	Smith	Van de Graaff
McDonald	Reynolds	Sparks	Varner
McLeod	Robertson	Stewart	Waddell
Oliver	Ross	Tompkins	Williams
Orr	Russell	Trammell	Williamson
Parker	Salter	Truss	Wilson
Partridge	Seale	Tunstall	Woodard
Peters	Simpson		

—86

Mr. Jackson, having received all the votes cast, was declared duly and constitutionally elected as Engrossing Clerk for the term prescribed by law.

Mr. Moorer nominated Mr. J. A. Herlong for Assistant Doorkeeper. Those who voted for Mr. Herlong are:

Messrs:			
Speaker	Dunaway	Johnson	Reynolds
Adams	Edwards (Dallas)	Jordan	Robertson
Albright	Ellis (Bullock)	Lawson	Ross
Alexander	Ellis (Elmore)	Lee (Butler)	Russell
Allen	Faulk	Lee (Perry)	Salter
Arnold	Fite	Long (Butler)	Seale
Barganier	Fuller	Long (Sumter)	Simpson
Benners	Gilbert	Longshore	Smith
Blunt	Gilbreath	Mathews (Clarke)	Sparks
Bracken	Graham	Mathews (Wilcox)	Stewart
Burleson	Green	Milford	Tompkins
Calvert	Guy	Moorer	Trammell
Carnley	Hall	Murphree	Truss
Christian	Hale	McDonald	Tunstall
Christopher	Harrison	McLeod	Van de Graaff
Clayton	Hawkins	Oliver	Varner
Cliett	Hollis	Orr	Waddell
Cobbs	Holmes	Parker	Williams
Crump	Howle	Partridge	Williamson
Dansby	Ingram	Peters	Wilson
Deese	Jones (Escambia)	Pittman	Woodard
Downs	Jones (Marengo)		

—86

Mr. Herlong, having received all the votes cast, was duly and constitutionally elected as Assistant Doorkeeper for the term prescribed by law.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Partridge:

H. 1. To make provisions for defraying the expenses of the extraordinary session of the Legislature.

Ways, Means and Appropriations.

By Mr. Sparks:

H. 2. To provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the Governor

or either house of the Legislature, upon important constitutional questions and on solemn occasions.

Judiciary.

By Mr. Sparks:

H. 3. To amend Section 7654 of the Code of Alabama of 1907 and to provide a penalty for failure to make and transmit the statement therein required.

Judiciary.

By Mr. Long of Butler:

H. 4. No title.

Judiciary.

By Mr. Long of Butler:

H. 5. To repeal section 8 of an act entitled an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for a violation thereof, approved Sept. 23rd, 1919, Acts 1919, pages 522 and 523.

Penitentiary and Criminal Administrations.

By Mr. Long of Butler:

H. 6. No title.

Ways, Means and Appropriations.

By Mr. Long of Butler:

H. 7. No title.

Judiciary.

By Mr. Long of Butler:

H. 8. No title.

Judiciary.

By Mr. Long of Butler:

H. 9. No title.

Judiciary.

By Mr. Dansby of Choctaw:

H. 10. To amend section eight of an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919. (Acts 1919, p. 522,23).

Penitentiary and Criminal Administrations.

By Mr. Graham of Clarke:

H. 11. To require all persons doing business in Alabama under any firm name or style, corporations, to file with the probate judge in each county of the State in which it is proposed to do business, a certificate in writing signed by the person, or persons interested, setting forth the firm name or style under which business is being done or is to be done, giving the name and address of the owner of the business or the names and addresses of the co-partners, and the certificate shall be recorded by the Probate Judge and paid for by the person or persons in-

terested at the rate allowed Probate Judges for recording other like papers to fix the penalty for non-compliance with this act.

Revision of Laws.

By Mr. Ingram:

H. 12. To amend an act approved September 30th, 1919, entitled "An act to divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named."

Judiciary.

By Mr. Carnley:

H. 13. To repeal an act entitled an act, "To authorize the governor to employ a special force to serve under his direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, to define the powers of persons employed on such special force and require each to give bond, and to provide compensation for their services," approved September 28, 1920.

Judiciary.

By Mr. Carnley:

H. 14. To repeal an act entitled an act, "To authorize the governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services," approved September 30, 1919.

Judiciary.

By Mr. Deese:

H. 15. To amend section 7814 of the Code of Alabama, 1907.
Revision of Laws.

By Mr. Deese:

H. 16. To submit to the qualified voters of Alabama, at a special election to be held on the first Monday after the expiration of ninety days from the final adjournment of this session of the Legislature, for their consideration, an amendment to the Constitution of Alabama in substance and to the effect that all persons who served in the military or naval service of the United States for any period of time between January 1, 1917, and November 11, 1918, shall be exempted from the payment of all poll tax that may now be due, or that otherwise would become due during the poll tax age fixed by the Constitution of Alabama for persons subject to poll tax in this State.

Judiciary.

By Mr. Green:

H. 17. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment

to be held at the general election next succeeding this special session of the Legislature.

Judiciary.

By Mr. Dunaway:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable to the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Ways, Means and Appropriations.

By Mr. Dunaway:

H. 19. To appropriate twenty-five thousand dollars (\$25,000.00) for defraying the expenses of the Legislature.

Ways, Means and Appropriations.

By Mr. Murphree:

H. 20. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Judiciary.

By Mr. Murphree:

H. 21. To provide for the examination of all moving pictures, motion picture films, reels, views or slides before they are permitted to be shown to the public, and to provide for the examination, approval, or rejection of the same by all incorporated cities and towns in Alabama, and to provide penalties for violations of said provisions.

Judiciary.

By Mr. Tompkins:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Revision of Laws.

The foregoing bill, H. 22, was read the first time at length.

By Mr. Tompkins:

H. 23. To propose an amendment to the Constitution so as to authorize cities, towns, and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns, and municipalities, and the inhabitants thereof; and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

Revision of Laws.

By Mr. Tompkins:

H. 24. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

Ways, Means and Appropriations.

By Mr. Tompkins:

H. 25. To authorize cities and towns of Alabama having a population of six thousand or more to construct, purchase and maintain a water works plant, or water works system, and to extend or enlarge their water works plant, or water works system, and to execute a mortgage on their said water works plant, or water works system, to secure bonds issued or debts created and the interest on said bonds and debts in the purchase, construction, maintenance, extension, or enlargement of said water works plant, or water works system, whether said plant or system be within or without, or partly within or without the corporate limits of said cities or towns; and whether said bonds be issued or debts created before or after the passage of this act.

Revision of Laws.

By Mr. Tompkins:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Revision of Laws.

By Mr. Tompkins:

H. 27. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Ways, Means and Appropriations.

By Mr. Arnold:

H. 28. To submit to the qualified voters of Alabama at a special election to be held ninety days after the final adjourn-

ment of the Legislature of Alabama for their consideration an amendment to the Constitution of Alabama in substance and to the effect that certain persons who served in the army, navy or marine corps of the United States for any period of time and received an honorable discharge from such service, which service was between April 6th, 1917, and November 11th, 1918, shall be exempted from the payment of poll taxes for life.

Revision of Laws.

By Mr. Arnold:

H. 29. To provide further for the depositing and safekeeping of all funds and moneys of the county in the State or national banks; and to provide penalties for failure to perform and discharge the duties prescribed in this act.

Revision of Laws.

By Mr. Ross:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Judiciary.

By Mr. Allen:

H. 31. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

Agriculture.

By Mr. Russell:

H. 32. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this Act.

Game, Fish & Forestry Preservation.

By Mr. Burleson:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Municipal Organizations.

By Mr. Cliett (with notice and proof):

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Local Legislation.

Notice and proof H. 34:

NOTICE OF LOCAL LAW.

State of Alabama, }
Talladega County. }

To Whom It May Concern:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the special session thereof soon to convene, and of the intention to have said bill passed and enacted at said session, the substance, essential and material parts thereof, and the bill in full as part of this notice being as follows:

"AN ACT"

"To provide for a judge of the county court of Talladega county, Alabama, fix his compensation and to provide for the payment of the same. Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the judge of probate of Talladega county, Alabama, shall be ex-officio judge of the county court, and shall be paid out of the county treasury an annual salary of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensation allowed by law to such judge for services rendered in and about such county court, the payment of such salary to be by warrant of such judge drawn on the treasurer of the county on the first of each month."

The State of Alabama, }
Talladega County. }

Personally appeared before me, E. A. Hammett, judge of probate, in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the editor of the Talladega Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 4th, 1921; August 11th, 1921; August 18th, 1921; and August 25th, 1921.

Subscribed and sworn to before me this 3rd day of October, 1921.

(Seal)

Luther Fowler.
E. A. Hammett,
Judge of Probate.

By Mr. Cliett:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of

such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

Revision of Laws.

The foregoing bill, H. 35, was read the first time at length.

By Mr. Van de Graaff:

H. 36. To amend section 900 of the Code of Alabama.

Judiciary.

By Mr. Van de Graaff:

H. 37. To amend section 901 of the Code of Alabama:

Judiciary.

By Mr. Van de Graaff:

H. 38. To repeal an act entitled "An act to amend an act to better secure the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State Budget Commission and prescribe rules and regulations governing the same, approved February 11, 1919, by adding thereto a provision for the payment by the State for the services of the members of the State Budget Commission," approved September 29, 1919.

Ways, Means and Appropriations.

By Mr. Van de Graaff:

H. 39. To repeal section 6 of an act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State Budget Commission, and prescribe rules and regulations governing the same, approved February 11, 1919.

Ways, Means and Appropriations.

By Mr. Fite:

H. 40. To permit the manufacture and sale of cereal beverages.

Ways, Means and Appropriations.

By Mr. Sparks:

H. 41. To amend section 7852 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Howle:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to

comply with the orders of the commission or with the provisions of this Act," approved October 1, 1920.

Revision of Laws.

By Mr. Bracken:

H. 43. To protect State and county officers and other persons against suits to recover money collected or paid out under statutes, subsequently held to be unconstitutional.

Revision of Laws.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Partridge:

H. R. 2. Resolved, that the standing committees as constituted at the last preceding special session of the Legislature, shall be the standing committees for this special session, except in cases where the death or resignation of members of this House renders necessary the changes in the assignment of any members on the standing committees, and in such cases the Speaker is hereby authorized to make such changes in the standing committees and to increase the number thereof as the Speaker may seem proper.

The rules were suspended and the resolution was adopted.

By Mr. Waddell:

H. R. 3. Resolved, that the rules adopted by this House at the last preceding special session of the Legislature be and continue the rules of this House.

The rules were suspended and the resolution was adopted.

By Mr. Deese:

H. R. 4. Resolved, that the Clerk of the House be and he hereby is authorized and directed to have printed for the use of the House two hundred copies of the rules.

The rules were suspended and the resolution was adopted.

By Mr. Carnley:

H. R. 5. Whereas, one of the important duties of the present session of this House is to undertake to provide for a system of permanent roads and to provide for such improvements in the direction, control and supervision of roads as may be needful; and

Whereas, detailed information in regard to the working of the present road laws as directed by the State Highway Department is essential to intelligent action by members of this House in this special session:

Therefore be it resolved by the House of Representatives:

1. That the State auditor be required to furnish to the House of Representatives a detailed report as to the expenditures of the State Highway Department for the fiscal year ending September 30, 1921.

2. That the State highway engineer do furnish to the House of Representatives a statement or detailed report (a) as to the different road projects undertaken and completed during the last two fiscal years, together with the mileage and counties in which said projects are located and the class of roads improved or built; (b) the amounts expended in the last two fiscal years under the direction of the highway department together with detailed statement of amounts paid for actual construction, amounts paid for engineering, amounts paid for supervision; (c) an itemized statement of salaries paid to officers and employees of the State highway department during the last two fiscal years; (d) list of projects undertaken but not completed together with the counties and their location and the mileage of same; (e) the sources and amounts of money that have been expended under the direction of the State highway department during the last two fiscal years, stated separately for each year as to amounts received from State treasury, from city and county appropriations and from United States Government, and value and amount of convict labor furnished by the several counties for road work.

Mr. Carnley moved that the rules be suspended in order to adopt the resolution. The motion was lost and the resolution was referred to the Standing Committee on Rules.

By Mr. Long of Butler:

H. R. 6. Whereas there are now six vacancies in the membership of the House of Representatives, which vacancies existed at and prior to the time of the call for this extra session of the Legislature; and

Whereas, the Constitution and statutes of the State require the calling of elections to fill all such vacancies; and

Whereas, such elections not having been called, this body in which such vacancies exist, is not the legislative body contemplated by the Constitution, and hence cannot exercise legislative powers; therefore be it

Resolved by the House, the Senate concurring, that this extra session of the Legislature do now recess until the third Monday in November, 1921, in order that such vacancies may be filled by elections properly called.

The resolution was, on motion of Mr. Long of Butler, referred to the Standing Committee on Judiciary.

By Mr. Van de Graaff:

H. R. 7. Whereas, section 280 of the Constitution of Alabama provides that: No person holding an office of profit under the United States except postmasters whose annual salaries do not exceed two hundred dollars, shall during his continuance in such office hold any office of profit under this State, nor unless otherwise provided in this Constitution shall any person hold

two offices of profit at one and the same time under this State except justices of the peace, constables, notaries public and commissioners of deeds:

And whereas, H. T. Burks, who was elected in November, 1919, and served at the session of 1919 as a Representative from Tuscaloosa county in this House was appointed, and on the twenty-sixth day of November, 1919, commissioned by the governor of Alabama as a member of the board of revenue of Tuscaloosa county, and has since served as a member of the said board, and thereby vacated his office as Representative from Tuscaloosa county in this House; but his name still remains on the roll and has been called by the Clerk as a member of this House;

Now, therefore, be it resolved by the House of Representatives, that the Clerk of this House is hereby directed to strike from the roll of the members of this House the name of H. T. Burks.

The resolution was referred to the Standing Committee on Rules.

COMMITTEE ASSIGNMENTS.

The Speaker announced the following changes in committee assignments:

On Ways, Means and Appropriations Committee Mr. Fite succeeds Mr. Burks and Mr. Sparks succeeds Mr. Hardaway.

On Education, Mr. Partridge was made Chairman and Mr. Preston was added to the committee.

On Temperance, Mr. Preston succeeds Mr. Dickson.

On Agriculture, Mr. Waddell succeeds Mr. Sherrod.

On Corporations, Mr. Berners succeeds Mr. Dickson and Mr. Ross succeeds Mr. Griffin.

On Municipal Organizations, Mr. Cobbs succeeds Mr. Burks.

On Public Roads and Highways, Mr. Green succeeds Mr. Burks and Messrs. Burleson, Tompkins, Fite and Matthews of Wilcox were added to the committee.

On County and County Boundaries, Mr. Preston was added to the committee in lieu of Mr. Marshall.

On Public Health, Mr. Preston was added in lieu of J. A. Holmes.

On Game, Fish and Forestry Preservation, Mr. Dansby succeeds Mr. Dickson.

On Revision of the Journal, Mr. Alexander succeeds Mr. Griffin.

MESSAGE FROM THE SENATE.

Mr. Speaker:

I am directed to notify the House that the Senate of Alabama has been organized by election of all officers who served at the

last regular session and is ready for the transaction of public business.

Walter F. Miller, Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution and ordered the same sent to the House without engrossment:

S. J. R. 6. Resolved, by the Senate, the House concurring, that a joint committee of two from the Senate and three from the House be appointed to wait upon the governor and to notify him that the Legislature is duly organized.

Committee on part of the Senate, Messrs: Carmichael and Acker.

W. F. Miller, Secretary.

SENATE MESSAGE.

On motion of Mr. Tompkins the House concurred in and adopted S. J. R. No. 6, and the Speaker named on part of the House, Messrs. Murphree, Tunstall and Ross.

COMMITTEE APPOINTED TO DRAFT MEMORIAL.

The Speaker announced the death of Hon. W. L. Sherrod of Lauderdale and Hon. J. A. Holmes of Elmore, members of the House.

On motion of Mr. Tompkins a committee was appointed to write suitable memorials on the death of the two deceased members and the Speaker named on said committee Messrs. Ross, Ingram, Blunt, McDonald and Ellis of Elmore.

RECESS.

The hour of one o'clock having arrived, under the rules, the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Truss:

H. R. 8. Resolved, by the House, the Senate concurring, that when laws are enacted carrying into effect items 1, 2, 3, 12

and 18 of the governor's call, that we adjourn until the first Monday in January, 1922.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR.

To the Legislature of Alabama:

I am directed by the Governor to transmit to you herewith his message to this special session of the Legislature.

W. A. Darden,
Secretary to the Governor.

October 4, 1921.

GOVERNOR'S MESSAGE.

To the Legislature of Alabama:

Gentlemen: It was only after the most careful consideration, with due regard to public opinion as I interpret it, that I reached the conclusion that the best welfare of our State demanded that you be called together in extraordinary session. The importance of the principal matters designated in the proclamation calling the session will be recognized as full justification for the expense incurred by the State and the sacrifices and inconveniences to which you are subjected.

FIRST—ROAD IMPROVEMENT.

The immediate occasion for the session, and the first subject embraced in the call, is the emergency created by the decision of the supreme court of the State holding that the election on the question of the ratification of an amendment to the Constitution, held on February 16, 1920, was not provided for in the manner prescribed by the Constitution and was therefore void and of no effect. The result of that decision was to leave the State without means for raising sufficient money with which to match funds appropriated by the United States government for the building and maintenance of highways in the State of Alabama.

Argument addressed to you on the subject of better highways would be superfluous, and hence I recommend without further comment that you again submit to the qualified electors of the State an amendment to the Constitution providing for the issuance of bonds not to exceed the sum of \$25,000,000, bearing interest at the rate of not exceeding six per centum per annum and providing further that it shall be the duty of the Legislature to levy and collect a license tax on all automobiles, trucks and other motor driven vehicles sufficient in amount for the payment of said bonds, principal and interest, and providing further that adequate provision be made for the proper maintenance of all roads, highways and bridges constructed with the funds derived in whole or in part from the proceeds of said bonds.

Appended hereto for your information is a report of the State Highway engineer showing the operations of the highway department and the present status of the work, finished, under construction and projected. I earnestly urge that special attention be given to the matter of providing for the repair and maintenance of roads after they are built. That is the weak spot in all systems of road building which have been tried heretofore in Alabama. Money expended for the building of roads is wasted unless adequate provision is made for their upkeep.

SECOND—POLL TAX AMENDMENT.

On practically the same grounds as in the case of the bond amendment election the supreme court held the election on the ex-service men's poll tax amendment to be invalid, with the result that all soldiers, sailors and marines embraced in the proposed poll tax exemption amendment are disqualified as voters or office holders unless all of their poll taxes have been paid. To make effective your expressed wish in the matter it will be necessary for you to submit another amendment to a vote of the qualified electors of the State.

THIRD—PORT AMENDMENT.

At your 1919 session an amendment to the State Constitution was proposed as follows:

"Section 93. That section 93 of the Constitution of the State of Alabama as amended in 1908 be and the same is hereby amended so as to read as follows, namely: Section 93. The State shall not engage in works of internal improvement nor lend money or its credit in aid of such, nor shall the State be interested in any private or corporate enterprises or lend money or its credit to any individual, association, or corporation, provided that the State may under appropriate laws cause the net proceeds from the convict fund to be applied to the construction, repair and maintenance of public roads in the State, and the legislature may also make additional appropriations for that purpose; and provided further, that the foregoing prohibitions shall not apply to the promotion, development or operation of harbors or seaports within the State or its jurisdiction provided, further, that any such work or improvement shall always be and remain under the management and control of the State through its State harbor commission or other governing agency and provided further that the adoption of this amendment shall not affect any other amendment to the constitution which may be adopted pursuant to any resolution of this session of the Legislature."

The people refused to ratify the proposed amendment for the reason, in my judgment, that its real purpose was not understood and the benefits to accrue from it were not fully realized by them.

There seems to have been an impression abroad that the port amendment was a measure designed for the particular and sole benefit of the city of Mobile. That such view is entirely erroneous is clearly shown in the following article prepared by Dr. Erwin Craighead at my request:

"Alabama would be an interior State but for the fact that when its boundary was defined, the State was allowed a tongue of land reaching down to the sea. In this same way Mississippi touches upon the Gulf, and Pennsylvania, Indiana and Illinois obtain outlet upon the Great Lakes. Where states could not be brought into direct connection with the ocean, care was taken to border them upon the great rivers so that communication might be had with the sea. Manifestly the makers of our Union had a very decided purpose to portion out equally all the facilities of the waterways; and equally clear is it that they were fully alive to the importance of the waterways and the harbors in the promotion of the growth and prosperity of the Union as a whole.

"In this wise partitioning of territory and forming of states, Alabama was given not only a considerable frontage on the sea, but also that particular part of the shore which embraced that great body of water known as the Bay of Mobile, into which empty the waters of one of the most important river systems of the United States.

"Looking at the map and noting the significance of this piece of land reaching down to the sea, and the remarkable appositeness of the rivers and the bay, that appear designed by nature as if to be used as highways and a great trade terminal by man, it is quite impossible to

ascribe to the water system, including the seaport, a local character. Unquestionably this natural contribution to the facility for carrying on trade and commerce belongs to all the people of the country and particularly to the people of Alabama, its territorial owners and guardians.

"The Federal government has generously recognized what may be called the general ownership and has greatly met the obligations resting upon it, for it has improved the harbor at Mobile until great steamships now do business in that port, and it has improved the Tombigbee and Warrior rivers until there is all-the-year-round navigation where, in the past, the navigation was interrupted for long periods in the drought season. Moreover, the Federal government has spent large amounts of money and has inaugurated an improved barging service for the purpose of demonstrating that the waterways can be used to advantage in the transportation of Alabama products to foreign lands and in receiving in turn goods, both foreign and domestic, via the port of Mobile, the same to be barged up the rivers in self-propelling barges and distributed to Alabama and the neighboring states of Tennessee and Georgia and even beyond.

"The benefit to the State of the development of the port of Mobile is directly felt by every citizen, every line of business and industry. In the first place, the existence of proper facilities at Mobile gives to this port importance in world commerce. One of the first results of port success is the general reduction of rail rates between that port and points inland. To develop the port of Mobile is therefore to insure the permanence of Alabama's rate benefits. A saving of twenty to forty per cent. or more, on transportation costs means that Alabama products obtain a wonderful advantage in world markets in competition with goods elsewhere.

"The port is the proper crown of the waterways. The Warrior without a terminal port would at once lose its usefulness. The port means joint rail and water rates that affect inland territory and shipping points far from the waterway. These rates are a direct and important saving to the citizens. Port terminals mean prompt and inexpensive handling of cargoes—another saving.

"A first class port means a wider market for Alabama products for to such a port vessels come from all over the world bringing and seeking cargo. Thus the ports of the whole world receive the products of this State.

"A port situated as is Mobile lies in the pathway of incoming raw materials for the reduction of which factories are needed and industries will come into existence. For industries already in operation the port insures cheap importation of materials that are not produced within the State.

"Port advantages will give the State commercial independence of rival trade territory. For example, if Alabama had to depend upon New Orleans, as a port, distance would operate against this State, for the reason that goods produced nearer the shipping point would naturally receive preferred treatment and have the advantage of lower cost to seaboard.

"The equipment of the port insures the continuation of federal appropriation for harbor and channel and for the Warrior. It is doubtful if the Warrior could justify itself without the development of the port of Mobile. The installation of proper shipping and transshipping facilities at Mobile is needed to attract outside industries to Alabama in order that they may enjoy the advantages offered.

"A first class port for Alabama means the relief of congested railroads, through the bringing about of shorter hauls on the principle of sending goods to seaboard by the shortest route.

"Railroads favor certain ports as against others. This favor is based on private and not public advantage, and the result is that goods are given the long haul while regions near the gulf seaboard are deprived of their

advantage of location by a process of stunting the development of the less favored ports. If Mobile is properly equipped to take care of any amount of business that may be offered, and especially to give vessels that dispatch that they expect and that should be given by a first class seaport, her position, supported by the rich resources of Alabama and the great waterway system, would be commanding. The port could no longer be ignored by the great transportation companies.

"All this benefit can be obtained without cost to the taxpayers who authorize the expenditure, for the history of other ports, notably that of New Orleans, shows that port facilities are self-supporting and in time retire their bonds out of their surplus revenues. The immense expenditures authorized by the State of Louisiana at the port of New Orleans and amounting to millions of dollars have not cost the tax-payer of that state one cent in public funds. For proof of this the following from a letter to Hon. John Craft of Mobile, under date of July 16, 1921, written by T. S. McChesney, treasurer and assistant secretary of the port commission of New Orleans, can be quoted:

"It has been a source of pride to note the wonderful growth the Port of New Orleans has made under public ownership, and particularly the patronage given the public wharves, as you will note by referring to tonnage statistics shown in the annual report. It is also a source of pride that not one cent of taxation has been paid by the citizens of the state of Louisiana or of the city of New Orleans for the development and maintenance of its harbor facilities on the river front."

I most earnestly recommend a re-submission of the amendment to a vote of the qualified voters of the State.

FOURTH—SUNDAY LAWS AND MOTION PICTURES.

A vast majority of the people of Alabama believes in a proper observance of the Christian Sabbath. That majority does not believe in what is known as "blue laws" or such rigid provisions as would deny to them the right to a reasonable and proper exercise of personal freedom and participation in innocent and harmless amusements which do not interfere with the peace and quiet of others not so engaged. Nor do they believe in laws which interfere with their privilege to secure on Sunday means of transportation, newspapers and such articles of necessity as cannot be conveniently procured on week days for use on Sundays. Such laws partake of the nature of the so-called "blue laws."

The present laws of Alabama are reasonable and liberal in the main and afford protection against desecration of Sunday, with a few exceptions, but there are some injustices and unfair discriminations in the laws which should be corrected. For example, it is manifestly discriminative and unjust to allow a druggist to dispense the wares of a soda fountain or a cigar stand and deny a like privilege to the keeper of a soft drink or cigar stand who pays exactly the same privilege license as the druggist pays. If the law prohibits Sunday baseball or Sunday moving pictures in one city it should prohibit them in all cities. Sunday baseball is demoralizing and often a public nuisance and such a large percentage of moving pictures are immoral and degrading and unfit for showing even on week days that it would certainly be in the interest of good morals to prohibit them on the Sabbath day. My opinion is that all stores and shops should be closed on Sunday, except for the sale of necessities such as ice, milk, drugs and medicines, and that bona fide restaurants and cafes should be permitted to serve only meals. I believe further that motion pictures, baseball, football and other games should be forbidden on Sunday where admission fees are charged, and that the governing bodies of all incorporated cities and towns in the State should be required to provide means for inspection and approval or rejection of all motion

pictures before they are permitted to be shown publicly, with suitable penalties for failure to make such provisions and for their violation.

While giving expression to my personal views, I realize that these moral and semi-religious questions are matters which can perhaps best be settled by the exercise of the individual legislative conscience and hence I do not urge my personal views but rely upon the sound discretion and wisdom of your honorable body.

FIFTH—CEREAL BEVERAGES.

Alabama is the only State in the Union where non-alcoholic cereal beverages are not legally sold. These cereal beverages are the only class of soft drinks prohibited by our law. All de-alcoholized wines and grape juices, containing a higher trace of alcohol than this class of prohibited drinks, are sold legally in the State, so why should not this class of drinks—non-alcoholic, non-intoxicating, harmless as goats' milk—be sold under the sanction of the law?

For the purpose of securing an answer to that question and in order to secure arguments pro and con, I requested Dr. W. B. Crumpton, President of the Anti-Saloon League of Alabama, and Mr. Victor H. Hanson, of the Birmingham News, to submit briefs for and against the traffic in these drinks.

Because of the fact that Dr. Crumpton did not respond with a clear cut argument or brief such as was requested and answered in a sort of controversial manner, I deem it but fair and proper to quote the entire correspondence.

The charge that anybody's pledge is being violated is absurd. The claim that any candidate for governor, for state senator or for representative pledged himself to oppose the sale of mineral water or buttermilk or soda water or any other non-alcoholic and non-intoxicating drink is ridiculous and preposterous and untrue on its face. The question had not been raised and perhaps had not been thought of during the campaign of 1918.

The principal objection raised by the opponents of these soft drinks is that they are manufactured by people who formerly made beer and that they cannot be trusted. This boycott against men engaged in a legitimate and harmless occupation simply because they were formerly engaged in the business of making beer does not appeal to my sense of justice. It indicates a spirit of prejudice and vindictiveness that is unjust and not at all creditable to those who hold and harbor it. For example, Mr. Brooks Lawrence, Superintendent of the Anti-Saloon League of Alabama, told me in 1919 that he had no objection to these cereal beverages and that in a year or two when the brewers have become duly penitent and assume the proper attitude on their knees, or words to that effect, he would not object to their sale in Alabama.

The brief of Mr. Hanson speaks for itself.

CORRESPONDENCE WITH DR. CRUMPTON.

July 16, 1921.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

My dear Doctor: Will you kindly prepare, or have prepared for me, at your convenience, a brief or argument against the licensing or permitting the sale of cereal non-alcoholic beverages in the State? If you will do so I will be very much obliged.

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

(Not Dated)

To Governor Thos. E. Kilby,

Dear Governor: In response to your request that I prepare "a brief or argument against the licensing, or permitting the sale of cereal, non-intoxicating beverages in the State," I reply:

I prefer the term Near-Beer to the word "Non-intoxicating" and will so discuss the question. To license such a beverage, our Alabama laws would have to be amended. This would be in violation of a pledge in 1918 by yourself and most of the Legislature, by which you secured the support of the Alabama Anti-Saloon League and the prohibitionists of Alabama, that no law would be passed that would change present prohibition laws.

This is all the argument I care to make at this time.

With all good wishes for you personally and the great State over which you are the chief magistrate, I am

Yours very truly,

(Signed) W. B. Crumpton.

July 21, 1921.

Dr. W. B. Crumpton,
Montgomery, Ala.

My dear Doctor: Your letter, not dated, in reply to my letter of July 16th, is received.

I suppose it makes little difference what we call the soft drink in question. "A rose by another name would smell as sweet," and I suppose an intoxicating drink would make a man drunk whether called by one name or another, and that a non-intoxicating drink would not make a man drunk even though it were called near-beer.

You state that to license such a beverage would be in violation of a pledge made by me and most of the Legislature in 1918, by which we secured the support of the Alabama Anti-Saloon League and the Prohibitionists of Alabama, that no law would be passed that would change the present prohibition laws.

If by present prohibition laws you mean the laws at present existing, I would say that it would be very queer for a person in 1918 to pledge himself not to change a law to be subsequently enacted. How could I and any part of the Legislature in 1918 pledge ourselves not to change a law which was to be enacted a year or so later, in 1919? How could such a pledge be intelligently made, the pledger not knowing the character of the laws which might be passed subsequent to the making of his pledge?

If you mean by present prohibition laws those in effect at the time the alleged pledge was made in 1918, then I ask what could have been the purpose of making a pledge of that kind.

As a matter of fact the prohibition laws in effect in 1918 were not satisfactory either to you, to myself or to most of the members of the Legislature. Witness the fact that the first thing the Legislature did after convening in 1919 was to adopt a new prohibition law. So, therefore, I do not see how you could claim that a pledge was made not to change either the one or the other.

Speaking for myself, I say most emphatically that I made no pledge of the sort to you or to any other man, to any woman, child, or even to myself.

Of course I cannot speak for "most of the Legislature" except to refer to what the body did itself by solemn enactment.

Perhaps you are referring to a pledge I made during my candidacy in 1918, which was not a pledge not to change the law but rather a pledge to change the law, making it stronger.

You state that by making the pledge I secured the support of the Anti-Saloon League and the prohibitionists of Alabama. I beg to differ with you in that respect. The Anti-Saloon League did not endorse my

candidacy. A committee known as the Headquarters Committee, by a majority vote endorsed my candidacy, but some of the members refused to sign with the majority. That could hardly be called an endorsement of the Anti-Saloon League. Some of the members were loyal, enthusiastic and sincere friends and I do not wish to reflect to the slightest degree upon their part in my campaign.

Now to the real question: The brief or argument against permitting the sale of what you call "near beer" in Alabama. I wrote you as the leading prohibitionist in the State and as the head of the organization championing the cause in the hope that you would send me the very strongest possible argument in support of your contention that it would be harmful to the cause of temperance, to prohibition and to the prohibition laws to permit the sale of these drinks. Your short statement containing a mere assertion does not meet my expectation in the matter. I really want a strong document, absolutely convincing, if possible.

I believe in the prohibition law and I believe in it strongly and I do not want to do anything to injure it. I believe the permitting of the sale of cereal beverages or near beer would tend to the better enforcement of the law and it was for the purpose of having the very best argument against my belief for the benefit of prohibition itself that I asked for such a document. You say that what you have written is all the argument you care to make at this time. Another time may be too late for the purpose for which I desired to use the argument.

With kind personal regards, I am,

Very truly yours,

(Signed) Thos. E. Kilby,
Governor.

Montgomery, Ala., July 26, 1921.

Gov. Thos. E. Kilby,
State Capitol, City.

Dear Governor: I have been away a few days and find your letter of 21st on my return. My statement that you and a majority of the members of the Legislature received the endorsement and support of the Anti-Saloon League and prohibitionists, on your promise not to interfere with the prohibition laws, thanks to your suggestion, I will amend by adding: "unless to make them stronger." This the Legislature did and you endorsed it. The strongest sentence of that law was to forbid the manufacture or sale of any drink "that looked like, smelled like or tasted like beer." This sentence will have to be stricken out, if a bill is carried through the extra session permitting the licensing the sale of near beer.

You well know the grounds of my objection. I have no confidence in the brewery people who are behind this movement. Knowing them as you do, I am greatly surprised that you should favor anything they want.

"Non-intoxicating" is to be the pledge. At the soft drink stands, if they have this on hand, the real stuff will be near at hand too and will be dished out to the initiated. But suppose there is none of the real beer on hand. A glass of the near beer with a spoonful of "white lightning" will be the real beer with all the kick the most thirsty will need.

You claim the law you advocate will aid in law enforcement. Of course, if one can get a glass of beer for five or ten cents, he will not want to pay twenty-five or fifty cents for a drink from a bootlegger. While you interfere with the boot-legger business, you are violating the prohibition law by serving beer. You suppress the trade in secret and let the prohibition law be broken openly under cover of serving a non-intoxicating drink. We may fail in our opposition, but we pledge our best endeavor to hold what we have. If you succeed, upon our prohibition gov-

error will rest the responsibility of breaking down our law and dividing our prohibition forces.

With personal regards for you and an earnest desire to serve the best interests of the State, I am

Yours very truly,
(Signed) W. B. Crumpton.

Dr. W. B. Crumpton,
Montgomery, Alabama.

July 27, 1921.

Dear Doctor Crumpton: Your letter of July 26th is received.

I take the statement therein as the argument of yourself and the Anti-Saloon League against permitting the sale of near beer in the State.

If anything occurs to you before I make use of the letter which you wish to add to what you have already said, I will be very glad to have you send it to me.

With kind regards, I am

Very truly yours,
(Signed) Thos. E. Kilby,
Governor.

Montgomery, Ala., August 2, 1921.

Governor Thos. E. Kilby:

Dear Governor: I have just returned to the city and have read yours of the 27th. I do not recall a sentence in my letters which indicated I was expressing the views of the Anti-Saloon League. On July 16th you wrote asking me to give you my best arguments against the licensing and sale of near beer, etc.

I candidly gave you one argument.

I have no idea what use you intend to make of my letters; but you will certainly be treating the league unfairly if you publish them as having endorsed with me the one argument—I wrote for myself without conference with the league. I felt that I should say this to you before the matter went any further.

Yours truly,
(Signed) W. B. Crumpton.

Dr. W. B. Crumpton, President,
Anti-Saloon League,
Montgomery, Ala.

August 5, 1921.

Dear Doctor: Your letter of August 3rd is received.

By referring to my letter of July 16th you will note that it was addressed to you officially as president of the Anti-Saloon League of Alabama. My second communication on the same subject should have been addressed officially also.

It was my purpose and hope to secure from you, as leader of prohibition in Alabama, a brief or argument against the disposition of cereal beverages as strong as such paper could be written, either prepared by you, by some one else selected by you, or by a committee of the Anti-Saloon League. It is not too late now, so I ask you, as president of the Anti-Saloon League of Alabama, to furnish me with reasons why the league opposes the manufacture, sale or other disposition of non-alcoholic cereal drinks in the State.

I think I have made it clear to you that I want the very strongest and most convincing argument against the proposal to allow the use of these drinks that can be produced, and I trust that you will send it to me with as little delay as possible.

Very truly yours,
(Signed) Thos. E. Kilby,
Governor.

BRIEF OF VICTOR H. HANSON.

A BRIEF.

Favoring the Enactment of a Cereal Beverage Law by the Alabama Legislature.

"The National Prohibition Enforcement Law, more popularly known as the Volstead Act, declares that the phrase "Intoxicating Liquor" shall not extend to de-alcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced if it contains less than one-half of one percentum of alcohol by volume and is made as prescribed in section 37 of this title and is otherwise denominated as beer, ale or porter and is contained and sold in or from such sealed and labeled bottles, casks or containers as the commissioner may by regulation prescribe.

(See Title 11, Section 1.)

The law specifically authorizes the manufacture of cereal beverages either by the de-alcoholization process or by the arrested fermentation process. Under this act they shall not contain as much as one-half of one per cent. of alcohol by volume and are therefore declared to be non-intoxicating beverages and classified as soft drinks.

Almost every state in the Union has passed prohibition enforcement laws conforming to and in most instances containing the exact language of the national law.

The law authorizes the establishment of de-alcoholization plants and provides that every manufacturer who establishes such plants shall be placed under heavy bond to the government for the faithful compliance with the law.

Cereal beverages are manufactured under strict government supervision and manufacturers are required to keep a daily record and summary of each month's transactions, showing the quantity of materials used and the amount of beverages produced.

The manufacture, transportation and sale of cereal beverages made in conformity to the Volstead Act are surrounded, bound and restricted by elaborate government rules and regulations.

The fears of some that beer might be transported into the State of Alabama through the permission granted for the sale of cereal beverages is unfounded and impossible of performance.

The Volstead Act makes it unlawful for any consignee to accept or receive any package containing liquor upon which appears a statement known to him to be false, or for any carrier or person to consign, ship, transport or deliver any such package knowing such statement to be false. This act also provides that no transportation company or common carrier may lawfully transport intoxicating liquor without first obtaining a permit from the government. The transportation provisions of the act are so stringent that it would be impossible to ship beer into the State under the guise of cereal beverages. Beer is never boot-legged on account of the fact that it is too bulky.

It is popular knowledge that the original draft of the Volstead Act was written under the guidance of the legal representative of the National Anti-Saloon League, and all amendments thereto adopted by congress were first closely scrutinized by the legislative representatives of the league. The fact that de-alcoholized beverages were authorized by this act ought to be conclusive proof to the officials and Legislature of Alabama that the National Anti-Saloon League and the superintendents of the several state leagues were not opposed to the manufacture and sale of cereal beverages.

The superintendents of the Anti-Saloon League in some states have co-operated with the representatives of cereal beverage manufacturers to promote legislation for the protection of this industry, holding that the

cereal beverage business is an actual and positive aid to the enforcement of the national and state prohibitory laws.

The National Prohibition Act also specifically authorizes the de-alcoholization of wine. Such de-alcoholized wines are sold throughout the State of Alabama without any effort being made by the Anti-Saloon League of this State to prevent it.

The Alabama Anti-Saloon League has directed its efforts to prevent merely the sale of cereal beverages, which are de-alcoholized by practically the same process as the de-alcoholized wines that are sold in this State.

The sale of grape juice and de-alcoholized wines is legal in Alabama. They contain as much alcohol as cereal beverages. Grape juice and de-alcoholized wines are the fruit of the vine. Cereal beverages are the juice of the grain. What logical reason, therefore, can be assigned to the discrimination against the juice of the grain and the favoritism shown to the juice of the grape? Grape juice by manipulation can be made the base of wine. Cereal beverages, de-alcoholized and pasteurized, are not self alcoholic increasing and therefore remain non-intoxicating because there is no known process by which cereal beverages can be made into alcoholic beer.

Alabama is the only state in the Union which has a law prohibiting the use of cereal beverages. These beverages are sold in every other state with the full approval of state and local authorities.

Cereal beverages by analysis contain from nothing or an infinitesimal percentage of alcohol to .45 of one per cent. The popular and well known brands of grape juice analyze from 0.10 to 0.50 of one per cent. Sarsaparilla 0.05 to 0.10 of one per cent. alcohol. Cream soda 0.10 of one per cent. or more. Fountain syrups, undiluted, 2 to 3 per cent. alcohol. Other patented and secret formula soft drinks range from 0.05 to 0.25 of one per cent. Cola drinks .10 to .25 of one per cent. alcohol.

From the standpoint of alcohol, which is found in practically all soft drinks, cereal beverages and beverages of different character are in the same soft drink classification.

Relative to the term "near beer" it may be said that the use of the word "beer" is specifically prohibited by the Volstead Act. It cannot be used legally in the sale of any lawful product. The beverages are officially classified as cereal beverages. The term "near-beer" has simply grown into popular use without sanction of laws and is therefore a misnomer.

Cereal beverages are manufactured from high grade cereals and flavored with hops, and the term "cereal beverage" clearly and accurately defines them.

The use of cereal beverages tends to curtail bootlegging, home-brewing, moonshining, and the consumption of dangerous and sometimes poisonous alcoholic concoctions.

The attitude of the leading brewers of the United States is clearly set forth in an address delivered before the judiciary committee of the House of Representatives in Washington on May 12th by Oliver T. Remmers, attorney for Anheuser-Busch, Saint Louis. Mr. Remmers, speaking for his client, opposed the manufacture of beer for medicinal purposes on the ground that it would make it impossible to enforce the prohibitory laws. He also demanded the strictest possible enforcement of the prohibitory laws, stating that his firm and other former leading breweries, while opposed to the principle of prohibition itself, stood for and favored the rigid enforcement of the National Volstead Act. He also requested congress to make an investigation of the method of enforcing the present prohibitory laws for the purpose of devising means to prevent their violation.

The Anti-Saloon League of Alabama is the only branch of the National Anti-Saloon League which is out of harmony with both the National

Anti-Saloon League and the several State Anti-Saloon Leagues in their effort to encourage the manufacture and use of cereal beverages. They realize that the former brewing plants and their thousands of employes should be kept in operation, if possible, particularly during the transformation period in which these plants are being changed over to plants for the manufacture of other products. More than two-thirds of the former brewing plants are now entirely out of business and their thousands of former employes in many instances have been added to the army of unemployed and are walking the streets of the different cities seeking employment by which to earn a living.

Cereal beverages are universally recognized as healthful products, being manufactured in sanitary plants from the purest ingredients the manufacturers can buy. The highest degree of care and sanitation is used in the manufacture of cereal beverages, and the concentrated strength of America's cereals is contained in the beverages from which the consumer receives the benefit. These beverages contain no objectionable or harmful ingredients. The use of a cereal beverage is often recommended to promote the public health.

I respectfully submit that there is no sound reason why Alabama should be the only State in the Union to prohibit the sale of cereal beverages. Such a law would not tend to weaken the prohibition laws; it would be an aid to law enforcement, and would contribute to the public health and comfort of the people. Such a law would inevitably produce considerable revenues to the State."

It is now and always will be impossible to secure convictions for the sale of a harmless drink. Juries will simply not convict. And so it has been found impossible to enforce the law against non-intoxicating drinks with the consequence it is a dead letter. The following letters from former Chief Law Enforcement Officer C. W. Austin, a man of long experience in law enforcement, show the impossibility of enforcing the law and contain valuable suggestions for restrictions and safe guards. I do not share his views as to the revenue to be derived from the business. That should not be a factor. We should not license or refuse to license any drink because of the revenue to be gotten from it. The proposition should stand or fall on its own merits. The letters of Mr. Austin follow:

Montgomery, Alabama, September 14, 1920.

Hon. Thos. E. Kilby,
Governor, Capitol.

Dear Sir: Referring to our conversation of the 13th instant, I wish to say that it is almost impossible to get convictions for the sale of non-intoxicant drinks. In some places it is an impossibility to get warrants for violations of this character. I also find that at all government plants near-beer is being dispensed.

In former days, before the Volstead Act went into effect and breweries were permitted to run, beer was shipped in labeled as near-beer. Since the breweries have been put out of commission, there is absolutely no danger of anything of this kind.

Taking everything into consideration from a law enforcement standpoint, I believe it would be the proper thing to pass a law permitting the sale of non-intoxicating near-beers and give the State the benefit of the license for the sale of same. I think, too, that there should be certain restrictions, in case any one who was permitted to sell this near-beer should abuse the privilege, that a severe penalty should be attached.

Hoping the above will meet with your approval, I am,

Respectfully,

(Signed) C. W. Austin,
Chief Law Enforcement Agt.

Montgomery, Ala., July 9th, 1921.

Governor Thos. E. Kilby,
Capitol.

Dear Sir: Mr. Champion called me over 'phone after leaving his office this afternoon and spoke of conversation he had with you relative to the near beer proposition, in which he referred to my attitude on this matter.

I wish to say, governor, that I wrote you a letter dated September 14, 1920, explaining my attitude. I came to this conclusion after making a very strenuous effort to enforce the law relative to near beers, and found it almost an impossibility to do so. I felt like then, and at the present time, that this being the case, these drinks dispensed without paying one cent revenue to city, county or State, that if the law could not be enforced, I thought it better that a law should be passed with certain restrictions, and that the State should be deriving some revenue from same. Not that I favor near beer, neither do I favor the cola drinks—they are all injurious.

In discussing this matter with Mr. Champion, I believe I have spoken of the danger of road house, near beer stands over the State, which would be nothing more nor less than blind tigers and dens of crime. Now, one of the restrictions I had in mind when writing you was, that in case such a law should be passed allowing the sale of near beer, that it should be allowed sold only in restricted districts, towns or cities where there was ample police protection.

I hope I have made myself clear to you on this matter, and I think after talking with Mr. Champion over 'phone, that he now understands my position better.

Very truly yours,

(Signed) C. W. Austin,
Chief Law Enforcement Officer.

SIXTH—TRAINING SCHOOL FOR GIRLS.

You have heretofore authorized the removal of the Training School for Girls and appropriated \$50,000 for the purchase of a site and the erection of buildings. Twenty acres of land in Birmingham have been purchased and plans for building have been prepared. An additional \$50,000 will be required if adequate buildings and equipment are to be furnished for the proper care of the unfortunate young girls committed to the institution. Money cannot be spent for a better purpose or with the expectation of better returns than for the reformation and reclamation of the girls who, through lack of wholesome home influences, have stepped from the path of rectitude and are just starting on the high road to ruin and shame. I trust the bill for this worthy purpose may meet with your unanimous support.

SEVENTH—FERTILIZER TAGS.

There are left on hand fertilizer tags which cannot be used unless special authority is given by your honorable body. Such authority would work a saving of approximately \$5,000 to the State.

EIGHTH—UNINCORPORATED ASSOCIATIONS.

Under the decisions of our courts a suit cannot be maintained against an unincorporated association, but such suit must at law proceed against all the members composing the association, however numerous they may be. In the case of large associations it is manifestly impossible to maintain a suit naming all of the members as party defendants, and as such suit on objection of any defendant must name all defendants it therefore follows

that such organizations are free to contract without being held liable to their contracts and may with impunity violate laws by concerted action of their members without any personal or collective responsibility. The necessity for such a law is shown by a recent decision of the supreme court in the case of Green vs. The Brotherhood of Locomotive Engineers. A jury in that case held that Mr. Green was entitled to substantial damages, but because the brotherhood could not be sued as an organization, being unincorporated, he will not be able to reap the benefits of his verdict.

In the recent trouble in the coal mining district the United Mine Workers of America violated with impunity contracts they had made and by acts of violence destroyed property. Although the organization boasts of its wealth, the contracting parties and the parties whose property has been destroyed have no recourse because it is impracticable to bring suit against the hundreds of thousands of members of the organization.

No sound reason can be shown why an organization, whether composed of laborers or employers, of individuals or corporations, should not be suable just as individuals are suable and, therefore, I recommend the passage of a bill providing that suits may be instituted against unincorporated associations and societies.

NINTH—UNIVERSITY COAL LANDS AND CONVICT LEASES.

At your 1919 session you enacted a law authorizing the governor to investigate the feasibility of developing coal lands belonging to the University of Alabama and appropriating the sum of \$250,000 for development purposes. After making a careful inquiry into the subject I arrived at the conclusion that the proposed development was not practicable at this time. The act further provided that on and after January 1, 1923, it shall be unlawful for any person to lease for hire any State or county convict to any person, firm or corporation.

Not only has it been found impracticable to develop the university coal lands, but a satisfactory substitute for the lease system now in effect has not been found. The present leases do not expire until December 31, 1922. In view of the fact that the responsibility for the conduct of the convict department during the four years following that date will rest upon the next administration, I deem it but just, proper and expedient that that administration should make the plans and put into effect the regulations under which the department is to be conducted at least during its incumbency.

I, therefore, recommend that the law be amended so as to extend the time for making the change in the system to a date not earlier than December 31, 1924.

TENTH—WATER SUPPLIES.

The State health officer has advised me that the City of Talladega is without the supply of pure and wholesome water which is necessary to the health and well being of its citizenship and that the city is without funds sufficient to acquire it. I recommend that such steps be taken by you as may be deemed proper for the relief of Talladega and other cities so situated with regard to their supply of water. It is of particular importance that relief be given to Talladega because the State schools for the deaf, dumb and blind are located there.

ELEVENTH—ADVICE OF SUPREME COURT JUSTICES.

I commend to your favorable consideration the bill providing that the advice of the justices of the supreme court may be furnished to the governor and the Legislature concerning the constitutionality of bills proposed to be introduced in the Legislature and bills pending therein.

The economic and administrative value of this procedure is apparent at a glance. If it could have been followed even during the past few years it would have saved to the State a very large sum of money, to say nothing of the administrative confusion and demoralization attendant upon the nullification of the income tax law, the road bond amendment, and the soldiers' poll tax amendment.

Within the past year a decision of the supreme court nullified some twenty-five or thirty legislative acts based upon illusory classifications by population involving counties or municipalities, and in many cases relating to the collection or disbursement of public funds, with serious results to those concerned.

Outside of these more striking instances, our supreme court reports present a long succession of legislative acts, both general and local, which have fallen under the judicial axe, and many of those which were of the highest value in governmental finance or administration could have been rendered immune to every form of attack to which all statutes and acts are now systematically subjected by the astuteness of lawyers, by the simple and effective precaution herein suggested. Even where an act is in its substance violative of the organic law, it would be a valuable saving of time and labor to be advised of its infirmity in advance of its attempted operation.

This practice has been in force in Massachusetts and other New England states for a great many years, and seems to have fully vindicated its practical value, and freedom from valid objections.

It is to be observed of course that, under the Constitution of Alabama, the duty and labor of rendering the opinion herein proposed probably cannot be imposed upon the supreme court as a court, but must be imposed upon the justices of the court as a special tribunal of individuals. For the onerous extra-judicial duties thus imposed it seems proper that the moderate compensation suggested by the bill should be allowed to the justices, which, however, it is a mere bagatelle in comparison with the advantages, pecuniary and otherwise, accruing to the State, its municipalities, and the public at large.

The special advantage to be derived from the prompt passage of the bill to take effect immediately upon its approval is obvious.

TWELFTH—TO PROVIDE FOR SUBSTITUTION OF TAX RECORDS.

During last winter one of the blackest pages in Alabama history was written. The assessment of taxes for the fiscal year ending September 30, 1921, had been about completed to the satisfaction of practically all of the tax payers of the State, there being not a single appeal in a majority of the counties and but very few in any of them, when a general business depression set in. At such an auspicious time, when there should have been a call by every good citizen to stand true to his State, a number of unpatriotic persons started a campaign of agitation having for its avowed purpose a re-assessment of the tax values of property throughout the State. Some of these persons, prompted by the selfish desire to avoid paying their just part of the expense of the schools and other institutions of the State, were willing to place the State to the enormous expense such action would incur, hoping that the influence of the financial depression would enable them to secure a lower valuation than that from which many never even appealed as provided by law; others thinking that this appeal to prejudice would be popular have sought to build themselves political success by joining the movement, being willing to advance their selfish interests at the expense of the State and its institutions; others have innocently and unwittingly been made a part of a movement which in its ultimate result has borne the fruit of treason to the State, and created a partial state of anarchy in one county.

A systematic plan of propaganda was established for the undermining of confidence in the method of administering the tax law, a law which permits more appeals to the tax-payer than any law ever enacted in Alabama, thus seeking to destroy the taxing machinery. All sorts of misrepresentations and demagogic appeals to the prejudice and passions of the people have been resorted to, with the natural result that some good people were made to believe that grave injustices were intentionally done them in the matter of property assessment. One cannot contemplate the effort made to destroy the State in this particular without being reminded of the German propaganda promulgated during the war to weaken our faith in our country and to divide our allegiance to the fighting men, a crime which during the war was punishable by death.

In my opinion the logical result of this propaganda was found in Coffee county where thieves broke into the tax assessor's room in the courthouse at Elba and stole the records of assessments. The fact that they took every book or document referring to the assessments would clearly indicate that the thieves were coached as to the legal effect of the documents and books or were men who had such information. Notwithstanding a wide belief among the best element of citizenship of the town and county that certain well-known men were either guilty of the theft or counseled it, and in spite of the extraordinary efforts on the part of State and county officials to bring the thieves to justice, the persons who committed this outrage and their advisers are still at large, evidencing how well the propaganda has borne fruit of anarchy in that section. The right thinking people of Coffee county owe to themselves and the State the duty of discovering, exposing and bringing to justice the traitors in their midst who have struck this cowardly blow at the vitals of their government and brought disgrace to the county and shame to all decent people of Alabama. In no other possible way can the foul blot be removed. In the meantime, outside instigators, aiders and abettors of the dastardly crime, whether with intention or otherwise, would appear to best advantage in seclusion.

At great labor and expense to the State and county the State tax commission has duplicated the records as far as possible by consent of many of the good people of that county. At this time, however, when every good citizen should advise the citizens of the county to assist in duplicating the records so that local school funds might be secured and their taxes paid, I am advised that some of those in Coffee county prominent in the movement heretofore mentioned, realizing that there was no provision of law for substituting such records, used all the influence and effort at their command to prevent people from co-operating in the establishment of these records and prevented many who were disposed to co-operate from so doing. Such reprehensible conduct has made it necessary that I request the passage of a bill providing for the duplication of these records, that the work might be expedited and be accomplished justly and fairly to all.

THIRTEENTH—BOYCOTTS, BLACKLISTING, ETC.

The recent coal strike in this State developed the fact that our civil and criminal statutes were inadequate to promptly and properly deal with the conditions which existed just prior to and after the strike was declared. It was then discovered that by reason of the inadequacy of the statutes of this State, relating to strikes, boycotts, blacklisting, etc., that the civil authorities were unable to prevent or even check many wrongful acts which inevitably led to the calling of the strike and to the perpetration of many heinous crimes which attended and followed the strike. Acts of violence and commission of more serious crimes against both person and property of citizens, the inability of the civil authorities to check or control such unlawful actions on the part of those connected or sympathizing with the

strikers necessitated calling out the State militia to preserve peace and order in the coal mining districts of the State. While martial law was not absolutely declared, nor the civil law actually suspended, the condition of affairs was so critical and so serious that at times it appeared almost imperative that martial law should be declared in the coal mining districts of the State. The only justifiable cause for calling out the military forces of the State or nation is the inability of the civil authorities or inadequacy of the civil or criminal laws to so deal with the situation or condition as to secure peace and good order. If the statutes of the State had been adequate and the civil authorities had been able to promptly and properly deal with the conditions in the incipency of the labor trouble in the mining districts, much, if not all, of the great loss of life, property, and the incurring of enormous expenses of the State could have been avoided.

I, therefore, request that the statutes be amended and revised, so as to promptly and properly deal with such situation, if it should again occur.

With some few exceptions and limitations not necessary to here point out, the following I conceive to be well recognized, if not universal, maxims as to the inalienable rights of American citizens:

First. Every citizen has the inalienable right to work or not to work; to work for whomsoever he pleases, and at whatsoever price or on whatsoever terms he pleases, provided his employer agrees to his terms.

Second. Every citizen has the inalienable right to employ or refuse to employ whomsoever he pleases, and to employ them at whatsoever price or on whatsoever terms he pleases, provided his employees agree to his terms.

Third. No man has the right to say to another: "You shall work," or "You shall not work;" or that "You shall work for this man, but not for that one;" or that "You shall work at this price, but not at that price;" or that "You shall work upon these conditions, but shall not work upon those conditions."

That ancient maxim—"So use your own as not to injure another's property"—should apply to the right to labor as well as that of property, the mere fruits of labor. The statutes of this State in so far as they can be made to do so ought to expressly declare, preserve, and guarantee the above as well as the other inalienable rights of citizens of this State.

Such conditions as existed in the coal mining districts of this State, under the leadership of irresponsible foreign agitators, if not the result or product of socialism, certainly tend to encourage or promote socialism, which often results in anarchy. Socialism is the sower of the seeds, and anarchy is the reaper of treason against the government. A conspiracy to injure the public, or the practice of acts and the teachings of doctrines with the intent or purpose, or the natural or probable result of which is to injure the public, was a crime at common law, and ought to be so declared by statute, with appropriate penalties. A conspiracy to starve or freeze the public, or even an agreement to do acts, the natural and probable result of which is to cause great suffering or inconvenience to the public, is little less than treason against the government, when the government is like ours—nothing but the public or the people.

FOURTEENTH—DEPOSIT AND KEEPING OF COUNTY FUNDS.

I recommend to you for your consideration a bill to further provide for the depositing and safe-keeping of all funds and moneys of the counties in this State; to the end that the counties shall receive interest on such funds instead of individuals or private institutions. The county funds of some of the largest counties in the State under existing laws are so deposited as to deprive the counties and tax payers thereof of all interest which could and ought to accrue on account of the deposits of such county funds.

The legislation which I propose on this subject does not repeal or take the place of the existing statutes as to county depositaries, nor does it abolish the office of county treasurer in counties having a population of more than fifty thousand. The act proposed is intended to supplement, complement, and harmonize the existing laws upon the subject. It does not abolish or terminate any contract or agreement now existing for the custody or control of county funds in those counties in which the office of county treasurer has been abolished. The proposed act, however, does apply to those counties after the termination of the existing contracts as to the custody and control of the funds, and hereafter makes the county depositaries or other custodians of county funds liable and amenable to all actions, suits, or proceedings to which county treasurers are now liable. Its effect in this respect is to make all county depositaries or custodians of county funds liable to the same proceedings and actions which are applicable to county treasurers, whether it be an ordinary action or suit, a summary proceeding, or extraordinary proceeding, such as mandamus, quo warranto, etc. In counties which have no county treasurers and depositaries take their places, the depositaries should be liable to all actions or proceedings to which county treasurers are liable. In counties which have county treasurers the counties should have the benefit of the interest on county deposits just as do counties which have no county treasurers.

FIFTEENTH—CONSERVATION OF SALT WATER SHRIMP.

The Legislature wisely enacted a measure for the protection of salt-water shrimp, which Act was approved September 2nd, 1919.

Under the vigorous administration of this statute by the department of conservation, the shrimp industry on the Alabama coast, and especially at Bayou La Batre, has grown tremendously, and the people engaged in catching and packing shrimp are enjoying an unprecedented era of prosperity.

Under the provisions of section 8 of the shrimp act, it was made unlawful to transport fresh shrimp by water to a point beyond the boundary line of the State of Alabama unless the usual market price paid by canneries and dealers for shrimp, in the place to which they were transported, was higher than the price paid for shrimp in this State. This section also provided that a tax of 20c per barrel should be paid on such shrimp.

Section 12 of the same act stipulated that no person who has not been a bona fide resident of the State for more than one year, next preceding, should be permitted to catch shrimp from the waters of this State, to be shipped without the State by water.

Prior to the enactment of the shrimp law, Mississippi shrimpers persisted in encroaching upon the waters of Alabama in such numbers as to reduce our own supply of shrimp and to deplete the species.

The enforcement of the provisions of the shrimp law caused a shrimp packer of Biloxi, Mississippi, to file a bill in the District Court of the United States at Montgomery, against the commissioner of conservation, averring that sections 8 and 12 of the act for the protection of shrimp were violative of the constitution of the United States; whereupon the court enjoined the commissioner of conservation from enforcing sections 8 and 12 of the shrimp law.

While the counsel for the State insist that the sections referred to are not in conflict with the Federal Constitution, yet the expense incident to appealing the case to the United States Supreme Court and the economic loss of shrimp to the people of Alabama, in the meanwhile, would be so great that, as a practical proposition, the alleged defects in the shrimp act can be more speedily and effectively remedied by the enactment of a measure, making it unlawful for any non-resident of the State to catch

salt-water shrimp within the waters of Alabama, or to transport by any manner or means whatsoever fresh salt-water shrimp, within or without the State.

The foregoing recommendation, I am advised, will meet every constitutional objection which has been raised to the present shrimp act, and will conserve for the use and benefit of our own people a wonderful natural resource—an excellent food supply—which is not the property of individuals but which belongs to the people of Alabama.

SIXTEENTH—CHANGE OF VENUE.

Under the present statutes of this State there can be but one change of venue in a criminal case. As a rule this is all that is necessary to assure a person charged with the commission of a felony a fair and impartial trial. If after the circuit judge makes an order of removal it is found that the county to which the removal is made is not free from objection and that a fair trial cannot be had no power is vested in any court to order a removal to a county free from objection. In such a case the circuit judge has but one alternative and that is to continue the case. Nothing tends more to break down the effective administration of our criminal laws than delayed trials. I, therefore, recommend that in such cases the supreme court be vested with the authority to order a change of venue and thereby remove this possible delay to trials.

SEVENTEENTH—PENALTY FOR FAILURE TO COMPLY WITH SECTION 7654.

Section 7654 of the Code of 1907 provides that when any defendant, on conviction, is sentenced to imprisonment in the penitentiary for the term of five years or more, it is the duty of the presiding judge to make a statement in writing, setting forth the name of the defendant, the term of the court at which he was tried, the offense of which he was convicted, the character of the evidence against him, the circumstances of aggravation or mitigation developed on the trial and the proof in reference to his previous character, which statement must be signed by the judge, and must, within thirty days thereafter, be transmitted by the clerk to the Governor, to be filed in the executive office.

The obvious purpose of this law is to furnish the governor and the board of pardons with information that is absolutely necessary to a proper consideration of many applications for paroles and pardons. It frequently occurs that judges and solicitors upon whom the board of pardons and the governor must necessarily rely for such information have died, or, if living, have forgotten the circumstances surrounding the conviction of felons. In such cases the reports provided for by the statute are invaluable.

Notwithstanding I have written to every circuit judge and every circuit court clerk in the State, calling attention to the statute and requesting compliance with it, only four or five have responded.

I, therefore, request that you amend the statute so as to provide a suitable penalty for failure to comply with its provisions.

CONCLUSION.

In conclusion, senators and representatives, allow me to again express my conviction that cordial relations and hearty co-operation between the legislative and executive departments of the government are essential to the best interests of the State. Let us subordinate all minor considerations to the public good and labor together for the welfare of the State and the people.

Respectfully,

Thos. E. Kilby,
Governor.

October 4, 1921.

REPORT OF STATE HIGHWAY ENGINEER

Montgomery, Ala., Sept. 30, 1921.

Honorable Thomas E. Kilby,
Governor of Alabama.

Sir: I have the honor to make this special report to you covering the operations of the State highway department from October 1, 1919 to date.

On September 30, 1919 the law under which this department functions was approved by you. This law repealed the old highway law and all other laws in conflict with it. Under the old highway law only an appropriation of \$154,000.00 was available for road building purposes and this sum after deducting the expenses of the department, was distributed equally among the counties. With only this small sum available, about all the department could do was to demonstrate to the counties the best methods of constructing roads and bridges.

In 1916 Congress passed what is known as the Bankhead law, appropriating the sum of \$75,000,000.00 to be allotted to the states for road building purposes. This sum was apportioned to the various states in the ratio that the area, population and rural route mileage of the several states bore to the whole. Alabama's share of this first appropriation was \$1,572,229.69, conditioned upon the State appropriating a like sum, allotted over a period of five years as follows:

1917	\$104,148.90
1918	208,297.80
1919	313,456.47
1920	420,105.64
1921	526,220.88

with a provision that the allotment for a particular year would be available to the State for a period of two years, and that should a state fail to take the allotment as provided by law within that stipulated period it would revert back to the treasury and be redistributed to the 48 states. In other words if the 1917 allotment of \$104,148.90 made available July 1, 1917 was not taken before July 1st, 1919 it would be lost to the State of Alabama.

Not being permitted under the law to concentrate its state appropriation, but being required to distribute it equally among the counties, it immediately became necessary for the State highway commission to devise some means of preventing the loss of this large sum of money. This was accomplished by calling on the various counties to appropriate a given sum to match a like sum to be received from the government for the construction of a definite road or bridge project. On February 28th congress passed an act amending the original bill by increasing Federal aid \$200,000,000.00, Alabama's part being \$4,204,322.89, divided as follows:

1919	\$1,050,264.10
1920	1,575,396.16
1921	1,578,662.63

adding this sum to the original appropriation gave a total to the state of \$5,776,552.58.

In order to prevent the loss of Federal aid given for a stipulated two year period, it is necessary that every dollar allotted to that period be placed under what is called "project agreements." In order to enter into a project agreement with the government the following action is necessary. The State originates a project, that is a section of road or a bridge to be constructed. Such road or bridge must be a part of the road system required by State law and in accordance with government requirements. If the proposed project is approved by the Federal engineer,

complete survey and plans must be made. When the plans have been approved by the United States bureau of public roads, the secretary of agriculture enters into an agreement with the State highway department, whereby there is set aside by the government 50% of the estimated cost of the project, the State appropriating a like amount. The government will not set aside one dollar for a project until such procedure is gone through with.

Until the passage of the present law this department did not have funds that could be used in making surveys and plans and it was necessary to call on the counties desiring Federal aid to bear that expense. The United States government bears no part of the expense of making preliminary surveys and plans, but does bear one-half of the cost of all engineering work necessary in the construction of a project.

REORGANIZATION OF DEPARTMENT.

Immediately after the appointment and organization of the new State highway commission, there was demand from every county in the State for the location and construction of a section of road. Although there were more Federal funds available than it seems possible for us to match, it was imperative if this fund was to be saved to the State, that surveys and plans be made rapidly so that project agreements might be executed before the expiration of the time limit allowed by law. Following the plans of practically all other states, the State highway commission authorized me to divide the State into four engineering districts, each district to be in charge of a district engineer with such additional engineering and clerical force as might be required. In dividing the State into districts and the selection of a headquarters city for each district, the main factor governing me was the proximity of the city to all sections of the district and the railroad connections with each county.

The engineering work in the districts in comparison with the amount of construction work begun, was of necessity heavy, for without such engineering work and the preparation of plans and the execution of agreements the State of Alabama would today be the loser of \$1,257,879.06 and occupy the unenviable place of being the only state in the Union to forfeit Federal aid.

STATUS OF STATE AND FEDERAL AID WORK, OCTOBER 1ST, 1919.

On October 1st, 1919, we had completed nine projects, a total of 66.81 miles of road at a cost of \$247,488.91 of which one-half was paid by the Federal government. On that date we had under construction 29 road projects and one bridge project with total road mileage of 171.26 miles. The bridge project was 1,288 feet of concrete bridge in Montgomery county. The total cost of these projects was \$1,907,891.45, of which the government paid \$927,036.11.

WORK ACCOMPLISHED FROM OCTOBER 1ST, 1919 TO OCTOBER 1ST, 1921.

Projects placed under construction since October 1st, 1919, 30, the total mileage of which is 301.35. In addition to this we have placed under construction two large river bridge projects and one small bridge project. Total estimated cost of all projects \$3,538,123.86. Thirty-seven road projects and two bridge projects, embracing 230.28 miles have been completed at a total cost of \$2,662,080.54. This leaves twenty-three projects under construction on this date involving 229.67 miles of road to cost \$2,554,806.51.

A summary of the above statements show that we have constructed and have under construction projects embracing 526.76 miles, at a cost of \$5,464,375.96 of which \$2,669,160.10 represents Federal aid.

We have under project agreement 17 projects embracing 202.53 miles of road estimated to cost \$2,950,052.82 of which \$1,475,039.87 is Federal aid. This gives Federal aid used and under agreement \$4,244,392.76 leaving a balance to be put under agreements of \$1,532,159.82.

FUTURE FEDERAL AID.

There is now pending in congress the Dowell bill, approved by thirty-five state highway departments, amending the Bankhead law, providing for continuation of Federal aid to the states to be confined to a system of roads in each state, the mileage of such system not to exceed 7% of the road mileage of the state and for state maintenance of roads constructed with Federal aid.

This bill passed the House by an overwhelming majority, went to the senate and was referred to the senate committee on postoffices and post roads. This committee finally reported out a bill embodying practically all of the essential features of the Dowell bill except that it provided for a national highway commission of three members. The senate in passing the bill amended it by striking out the section providing for a commission. This left the bill with some minor amendments, substantially as it was when introduced. The appropriation of \$100,000,000.00 was embraced in a separate bill as a companion to the Dowell bill. The senate amended the Dowell bill by making the appropriation \$75,000,000.00 a year for two years, of which \$25,000,000.00 is to be available on the passage of the bill and the remaining \$50,000,000.00 six months thereafter. Like all other appropriations made by the government, the funds are made available on condition that the states appropriate equal amounts allotted to them. Alabama's portion of this allotment will be approximately \$3,142,450.00 of which \$523,743.00 will be available on the passage of the bill, \$1,047,486.00 six months thereafter and the remainder \$1,571,229.00 during the fiscal year beginning July 1st, 1922.

Federal aid to the states for road construction is undoubtedly a fixed policy of the government. The bureau of public roads, under the direction of the secretary of agriculture, is now one of the largest and most important branches of the government. Besides the large engineering and clerical force maintained in Washington there are thirteen division offices in the United States, one of these division offices being located in Montgomery. With now a well perfected organization, backed by an insistent demand that the government continue the policy of aiding in the construction of roads, there is hardly a chance that congress will refuse to make liberal appropriations from time to time to this cause.

PROPER ENGINEERING LOCATION AND SUPERVISION.

May I take this opportunity to stress the fact that without proper and careful location of our roads the State and government would lose thousands of dollars by the execution of unnecessary work. Often by the expenditure of from \$100.00 to \$200.00 more for engineering than apparently at first seemed necessary we save several thousand dollars. The apparent high engineering cost is observed and we are criticised for it, whereas the saving in actual cost of the road is unknown to the complaining person.

No large construction work is ever successfully completed without adequate and competent engineering supervision. With the expenditure of millions of dollars for roads we cannot afford to be parsimonious in the expenditure of money for engineering. I have only to call your attention to any large undertaking and especially would I direct your attention to North Carolina which recently voted \$50,000,000.00 in bonds for highway construction. Other highway departments that have attracted attention

such as the highway department of California, have done so because of well constructed highways brought about because of sufficient funds expended under the direction of a well organized engineering force. Without proper engineering supervision we cannot secure Federal aid. We have our engineering organization which I am proud to say has met with the approval of the government. It is my desire to so encourage the men under me, that they will be at all times deeply interested in their work and have the welfare of the State at heart.

The following is a copy of a letter from Mr. A. E. Loder, United States District Engineer, bearing on this subject:

Mr. W. S. Keller,
State Highway Engineer,
Bell Building,
Montgomery, Alabama.

September 28, 1921.

Engineering Supervision.

Dear Sir: Because of the quantity and importance of Federal aid road projects under construction, I take this opportunity to call your attention to the necessity for close and thorough engineering inspection of all Federal aid road construction work, in order that it may meet the requirements of the government.

It is necessary that an experienced and reliable resident engineer be placed on each project giving continuous service to see that all requirements of the plans and specifications are carried out and that no defective workmanship or materials be incorporated in the work. The continuous presence of the State's representative is necessary in order that we may be assured that no improper workmanship or materials become covered up where it cannot be examined at final inspection.

As you are aware, the success of Federal aid work, as well as the continued success and popularity of the State's road construction program is dependent entirely upon the close supervision of all work from the very beginning of the program. It is necessary that special attention be given to this matter in the early part of the construction program in order that there may be developed and trained a good corps of engineering employees capable of being expanded into the larger organization which will become necessary as larger funds become available. I, therefore, cannot too strongly point out the necessity for thorough engineering organization and supervision during the beginning of the work, when the contractors, at least the majority of them, are new at the business and must be largely trained.

I have from time to time taken occasion to call this matter to the attention of the various State highway departments in this district, and go into the subject at his time in view of the policy of the bureau to require a higher grade of construction than was possible during the earlier stages of the work when construction conditions were more unfavorable.

Very truly yours,

(Signed) A. E. Loder,
District Engineer.

EXCESS WAR MACHINERY AND EQUIPMENT GIVEN THE STATE BY THE FEDERAL GOVERNMENT.

The Sixty-fifth Congress in the postoffice appropriation act (H. R. 13308; signed February 28th, 1919), enacted as follows:

Section 7. That the secretary of war be, and he is hereby authorized in his discretion to transfer to the secretary of agriculture all available war material, equipment and supplies not needed for the purposes of the war department, but suitable for use in the improvement of highways and that the same be distributed among the highway departments of the several states to be used on roads constructed in whole or in part by the Fed-

eral aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916; provided, that the secretary of agriculture, at his discretion, may reserve from such distribution not to exceed ten per centum of such material, equipment and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

The estimated value of motor equipment, spare parts, and miscellaneous supplies received from the Federal government amounts to \$2,100,000.00.

The motor equipment delivered to the highway department consists of 477 trucks of which 202 were new, 27 new ten-ton Holt tractors, 2 Porter 36" gauge locomotives with 20 miles of rail and appurtenances, 20 railroad cars. In addition to this heavy equipment we have received derricks, wagons, pumps and a large assortment of small tools and equipment.

With the motor equipment, we have received 43 touring cars all in more or less dilapidated condition. We estimate the value of new parts given for the motor equipment to be approximately \$200,000.00.

We have distributed to the counties 174 trucks and six tractors. All of the equipment in the hands of the department, with the exception of a few trucks and cars, is stored at Camp Sheridan and insured. All of this equipment will be of great service to the department.

Respectfully submitted,

(Signed) W. S. Keller,
State Highway Engineer.

GOVERNOR'S MESSAGE.

On motion of Mr. Matthews of Clarke, one thousand copies of the governor's message were ordered printed for the use of the members of the House.

APPOINTMENT OF MESSENGERS AND PAGES.

The Speaker announced the following appointments:

Messengers: Luther Anderson, J. Q. Adams, Jr. and Lawrence Snell.

Pages: Sam Pharr, Caldwell Allen, George Hoyle, Robt. Baxter, John Fonville and William Barganier.

Doorkeeper of Gallery: J. A. McLeod.

Reading Clerk: J. H. Stewart.

By Mr. Moorer:

H. J. R. 9. Whereas, an all-wise Providence has removed from our midst by death, Hon. William D. McCurdy, twice a representative from Lowndes county, and once a senator from the sixteenth district, and both the State and his county are thereby deprived of the services of a valued citizen; now, therefore be it

Resolved by the House, the Senate concurring, that in the death of former Representative McCurdy, the State has lost a citizen of high character, and true worth, and the community in which he lived a public-spirited leader.

2. That a page of the Journal of the House of Representatives be set aside and suitably inscribed with these resolutions in his memory and that copies thereof be given to the public press and forwarded to members of his family.

3. And that as a further mark of respect, at the expiration of these exercises, the House of Representatives do stand adjourned until 3 o'clock.

On motion of Mr. Mooror, the rules were suspended, and the resolution was unanimously adopted by a rising vote.

On motion of Mr. Mooror, the House concurred in and adopted S. J. R. No. 7 on the death of Hon. W. D. McCurdy.

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until tomorrow afternoon at 3 o'clock.

SECOND DAY.

House of Representatives, Wednesday, October 5th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. S. Eddins of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Collins	Harrison	Milford
Adams	Dansby	Hawkins	Moorer
Albright	Deese	Hollis	Murphree
Alexander	Downs	Holmes	McDonald
Allen	Dunaway	Howle	Oakley
Arnold	Edwards (Dallas)	Ingram	Oliver
Austin	Edwards (Pike)	Jones (Escambia)	Orr
Barganier	Ellis (Bullock)	Jones (Marengo)	Parker
Benners	Ellis (Elmore)	Johnson	Partridge
Blunt	Fite	Lawson	Peters
Bracken	Fuller	Lee (Butler)	Pittman
Burleson	Gilbert	Lee (Perry)	Reynolds
Calvert	Gilbreath	Lewis	Robertson
Carnley	Graham	Long (Butler)	Ross
Christian	Green	Long (Sumter)	Russell
Christopher	Guy	Longshore	Seale
Cliett	Hall	Mathews (Clarke)	Shaw
Cobbs	Hale	Matthews (Wilcox)	Simpson

Smith
Sparks
Stewart
Tompkins

Trammell
Truss
Tunstall

Van de Graaff
Varner
Waddell

Williamson
Wilson
Woodard

—85

A quorum was present.

LEAVE OF ABSENCE.

Indefinite leave of absence was granted to Messrs. Jordon, Faulk, Hare and Dodson.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. Fleetwood Rice of Tuscaloosa and Hon. Harry Hartwell of Mobile for today.

JOURNAL.

The Chairman of the Standing Committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the first day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the first day was approved.

MEMORIAL COMMITTEE.

The Speaker added Messrs. McDonald and Ellis of Elmore to the committee appointed yesterday to draft suitable resolutions on the death of Mr. Sherrod of Lauderdale and Mr. Holmes of Elmore.

BILLS REPORTED FAVORABLY.

Mr. Murphree, Chairman of the Standing Committee on Judiciary reported that said committee in session had acted on the following bill and ordered the same returned to the House with a favorable report with amendment:

H. 16 (with amendment). To submit to the qualified voters of Alabama, at a special election to be held on the first Monday after the expiration of ninety days from the final adjournment of this session of the Legislature, for their consideration, an Amendment to the Constitution of Alabama in substance and to the effect that all persons who served in the military or naval

service of the United States for any period of time between January 1, 1917, and November 11, 1918, shall be exempted from the payment of all poll tax that may now be due, or that otherwise would become due during the poll tax age fixed by the Constitution of Alabama for persons subject to poll tax in this State.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on following bills and ordered the same returned to the House with a favorable report:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

H. 3. To amend Section 7654 of the Code of Alabama of 1907 and to provide a penalty for failure to make and transmit the statement therein required.

H. 17. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered the same returned to the House with a favorable report:

H. 15. To amend section 7814 of the Code of Alabama, 1907.

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

The foregoing bill, H. 22, was read the second time at length.

H. 23. To propose an amendment to the Constitution so as to authorize cities, towns, and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns, and municipalities, and the inhabitants thereof; and to order an

election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

H. 25. To authorize cities and towns of Alabama having a population of six thousand or more to construct, purchase and maintain a water works plant, or water works system, and to extend or enlarge their water works plant, or water works system, and to execute a mortgage on their said water works plant, or water works system, to secure bonds issued or debts created and the interest on said bonds and debts in the purchase, construction, maintenance, extension, or enlargement of said water works plant, or water works system, whether said plant or system be within or without, or partly within or without the corporate limits of said cities or towns; and whether said bonds be issued or debts created before or after the passage of this Act.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bills and ordered the same returned to the House with a favorable report:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

H. 19. To appropriate twenty-five thousand dollars (\$25,000.00) for defraying the expenses of the Legislature.

H. 24. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

H. 27. To provide for refund of money paid into the State Treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered the same returned to the House with a favorable report:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

The above and foregoing bills were severally read a second time and placed on the Calendar.

BILL REPORTED ADVERSELY.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations reported that said committee in session had acted on the following bill and ordered the same returned to the House with an adverse report:

H. 40. To permit the manufacture and sale of cereal beverages.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Arnold:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Public Roads and Highways.

By Mr. Arnold:

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

Public Roads and Highways.

By Mr. Arnold:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Public Roads and Highways.

By Mr. McDonald (with notice and proof):

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Local Legislation.

Notice and proof H. 47:

NOTICE.

Notice is hereby given that the undersigned will introduce in the Legislature of Alabama at a special session thereof to be held in the year 1921 the following local act, to-wit:

AN ACT

To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Be it enacted by the Legislature of Alabama:

Section 1. That the office of county treasurer for Lauderdale county is hereby created.

Section 2. That at the general election held in this State in November, 1922, and each four years thereafter, there shall be elected by the qualified electors of the county, a county treasurer for Lauderdale county, who shall hold office for four years from the first Monday after the second Tuesday in January, next after his election, and until his successor is elected and qualified.

Section 3. That the salary of the county treasurer shall be one thousand eight hundred (\$1,800) dollars per annum, payable monthly out of the county treasury, upon the warrant of the judge of probate drawn upon the county treasurer of said county.

Section 4. That it shall be the duty of the Governor, upon the approval of this act, to appoint a county treasurer for Lauderdale county who shall hold office until the county treasurer, who shall be elected at the next general election, shall be elected and qualified, and the salary and duties of the county treasurer so appointed shall be the same as provided by this act.

Section 5. That Chapter 12 of the Code of Alabama, 1907, shall in all things apply to and govern the county treasurer appointed or elected under this act, when not in conflict with the provisions hereof.

Section 6. That all laws and parts of laws, general, local or special, insofar as they are in conflict with the provisions hereof, are hereby repealed.

S. E. McDonald,
Representative for Lauderdale County.

The State of Alabama, }
Lauderdale County. }

Before me, A. A. Williams, a notary public in and for the State and county aforesaid, personally appeared J. C. Smith, who being by me duly sworn, deposes as follows:

My name is J. C. Smith; I am editor and proprietor of The Florence Herald, a weekly newspaper published at Florence in Lauderdale county, Alabama. That the notice of the bill proposed to be introduced in the Legislature of Alabama creating the office of county treasurer for said Lauderdale county, and which notice is hereto attached, was published in The Florence Herald for four consecutive weeks beginning with the issue of July 8th, 1921, also in issues of July 15, July 22 and July 29, 1921.

J. C. Smith,
Editor and Publisher.

Subscribed and sworn to before me this September 30th, 1921.

A. A. Williams,
Notary Public.

By Mr. Fite:

H. 48. To provide for the payment of a sum of money for the expenses of all Circuit Solicitors in Circuits composed of five counties or more in which there are two circuit judges and one circuit solicitor, said money to be over and above the salary as provided by law.

Revision of Laws.

By Mr. Calvert:

H. 49. To prescribe qualifications and provide for the payment of salaries and compensation of deputy sheriffs in counties having a population of not less than fifty thousand and not exceeding fifty-one thousand population, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

Revision of Laws.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Faulk:

H. J. R. 10. Whereas, the desolation wrought throughout the entire civilized world, during the ravages of the terrible war, which has paralyzed commerce, impoverished the principal nations of Europe and took terrific toll in blood and carnage of the flower of the young manhood of many of the principal nations of the earth; and

Whereas, this cruel war has visited indescribable hardships upon all the civilized powers and civilized peoples of the earth, from which they will not recover for generations yet to come; and

Whereas, the cost of maintaining great armies and great navies imposes a burden of taxation upon the masses of the people, which during this period of financial depression and readjustment they are unable to bear; and

Whereas, all the nations are eager to obviate war unless their armies and navies are recruited to the maximum strength, large armies and large navies being conducive to war.

Now, therefore, be it resolved by the House, the Senate concurring, that the Senators and Representatives in Congress from the State of Alabama, be and they are hereby most earnestly memorialized and requested to throw the weight of their great influence in behalf of securing the disarmament of the nations of the earth; that is, a substantial reduction in the armies and navies of the civilized nations of the world, and reducing them to the least possible minimum, consistent with their immediate use for maintaining peace, law and order at home; it is our belief that an international agreement, looking to substantial disarmament, will largely prevent wars and will operate towards securing permanent world peace.

On motion of Mr. Long of Butler, the rules were suspended and the resolution was adopted.

By Mr. Alexander:

H. J. R. 11. Whereas, there are a large number of subjects in the call for a special session of the Legislature, and a num-

ber of bills on subjects not included in the call, already introduced and in the hands of committees, of a nature to provoke prolonged and perhaps acrimonious controversy, prolonging this special session of the Legislature to an indefinite period, and,

Whereas, there are three major subjects of paramount importance, whose adoption may be imperilled by a prolonged session and the consideration of certain subjects,

Therefore be it resolved by the House of Representatives, the Senate concurring, that we do promptly consider, First, a bill to provide for raising money and to match funds appropriated by the United States government for the building and maintenance of highways and bridges in the State of Alabama, and to amend the act creating the State Highway Commission and to amend sections 1408 and 1409 of the Code of 1907 providing for the issuance of bonds by municipalities for road improvement purposes.

Second, to provide for exemption of soldiers, sailors and marines from payment of poll taxes.

Third, to provide for the development of ports, water fronts and river systems.

Fourth, to appropriate money to defray the expenses of the special session of the Legislature.

Be it further resolved by the House of Representatives, the Senate concurring, that immediately after the passage of these four measures the Legislature of Alabama do adjourn to November 15th, 1921.

The resolution was referred to the Standing Committee on Rules.

RECOMMITTAL OF BILL.

House Bill 32 was returned to the House from the Standing Committee on Game, Fish and Forestry Preservation with the request that the same be referred to the Standing Committee on Judiciary and the bill:

By Mr. Russell:

H. 32. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of

said State, and to provide penalties for violations of the provisions of this act.

Was referred to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Carmichael:

S. J. R. 11.—Resolved by the Senate, the House concurring, that both bodies hold sessions Thursday and Friday of this week and that when the Legislature adjourns on Friday it shall be until Monday, October 10, at 2 p. m.

And orders same sent to the House without engrossment.

Secretary.

W. F. Miller,

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted S. J. R. No. 11, set out in the above and foregoing message from the Senate:

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and ordered same sent to the House without engrossment:

By Mr. McDowell:

S. J. R. 16. Whereas, Dr. Charles C. Thach, so long president of the Alabama Polytechnic Institute, lies dead at Auburn today, and the spirit of this great educator has taken its flight to its home beyond the stars;

Whereas, his influence upon the youth of Alabama has been such as to add so much to the citizenship of this commonwealth; therefore,

Be it resolved, by the Senate, the House concurring, that in honor of his memory both houses of this Legislature do stand adjourned until the morrow, and that this resolution be spread upon the minutes of both houses.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate joint resolution set out in the above and foregoing message from the Senate.

ADJOURNMENT.

On motion of Mr. Waddell the House adjourned until tomorrow morning at eleven o'clock.

THIRD DAY.

House of Representatives,
Thursday, October 6th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. W. R. Seymore of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Deese	Ingram	Reynolds
Adams	Downs	Jones (Escambia)	Robertson
Albright	Dunaway	Johnson	Ross
Alexander	Edwards (Dallas)	Lawson	Russell
Allen	Edwards (Pike)	Lee (Perry)	Shaw
Arnold	Ellis (Bullock)	Long (Butler)	Simpson
Austin	Ellis (Elmore)	Long (Sumter)	Smith
Barganier	Fite	Longshore	Sparks
Benners	Fuller	Mathews (Clarke)	Stewart
Blunt	Gilbert	Matthews (Wilcox)	Tompkins
Bracken	Gilbreath	Milford	Trammell
Burleson	Graham	Moorer	Truss
Calvert	Green	Murphree	Tunstall
Carnley	Guy	McDonald	Van de Graaff
Christian	Hall	Oakley	Varner
Christopher	Hale	Orr	Waddell
Cliett	Harrison	Parker	Williams
Cobbs	Hawkins	Partridge	Williamson
Collins	Hollis	Peters	Wilson
Dansby	Howle	Pittman	Woodard

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal, begs leave to report that it has examined the Journal for the second day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the Journal of the second day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Jones of Marengo, Baker and Holmes for today.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. Fleetwood Rice, Hon. Sam Spratt, Hon. Allen K. Merrill and Hon. J. D. Doyle for today.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, from the Standing Committee on Rules, reported the following resolution favorably:

Rules Committee:

H. R. 12. Be it resolved by the House that:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

And:

H. 23. To propose an amendment to the Constitution so as to authorize cities, towns, and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns, and municipalities, and the inhabitants thereof; and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this Special Session of the Legislature.

Now be taken up for immediate consideration and passage and shall be and continue the paramount order of business until finally disposed of.

Mr. Carnley offered the following amendment to the Resolution:

"Amend the Resolution by striking H. 23 therefrom."

Mr. Green moved to table the amendment offered by Mr. Carnley and the motion to table prevailed.

Yeas, 46; Nays, 29.

Yeas:

Messrs:

Speaker	Deese	Jones (Escambia)	Russell
Adams	Dunaway	Long (Sumter)	Shaw
Allen	Edwards (Dallas)	Matthews (Wilcox)	Smith
Arnold	Fite	Milford	Sparks
Austin	Fuller	Murphree	Tompkins
Benners	Gilbreath	Oakley	Trammell
Bracken	Green	Orr	Truss
Calvert	Hall	Partridge	Tunstall
Christian	Harrison	Peters	Varner
Cliett	Hawkins	Pittman	Waddell
Collins	Howle	Ross	Wilson
Dansby	Ingram		

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Nays:

Messrs:

Albright	Edwards (Pike)	Johnson	Parker
Alexander	Ellis (Bullock)	Lee (Perry)	Robertson
Barganier	Ellis (Elmore)	Long (Butler)	Simpson
Blunt	Gilbert	Longshore	Van de Graaff
Burleson	Graham	Mathews (Clarke)	Williams
Carnley	Guy	McDonald	Williamson
Christopher	Hale	Oliver	Woodard
Cobbs			

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And the resolution of the Rules Committee was adopted.

BILL OF THIRD READING.

The House proceeded to the consideration of the special order which was the bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Mr. Tompkins offered the following amendment to the bill: Amend section one of the bill by inserting after the words "shall qualify all persons who come within the protection of this amendment" and before the words "to vote and hold office in this State," insert the following, to-wit:

"Who were otherwise qualified electors except for the non-payment of poll tax."

And further amend section one of said bill by adding after the words "from and after the 29th day of December, 1919," and before the words "the judges of probate" insert the following:

"Until October 1st, 1923."

And further amend section three of the bill by inserting after the words "shall qualify all persons who come within the protection of this amendment" and before the words "to vote and hold office in this State," insert the following, to-wit:

"Who were otherwise qualified electors except for the non-payment of poll tax."

And further amend section three of said bill by adding after the words "from and after the 29th day of December, 1919," and before the words "the judges of probate" insert the following:

"Until October 1st, 1923."

And the amendment was adopted.

Yeas, 76; Nays, 0.

Yeas:

Messrs:

Speaker	Downs	Jones (Escambia)	Robertson
Adams	Dunaway	Johnson	Ross
Albright	Edwards (Dallas)	Lee (Perry)	Russell
Alexander	Edwards (Pike)	Long (Butler)	Shaw
Allen	Ellis (Bullock)	Long (Sumter)	Simpson
Arnold	Ellis (Elmore)	Longshore	Smith
Austin	Fite	Mathews (Clarke)	Sparks
Barganier	Fuller	Mathews (Wilcox)	Stewart
Blunt	Gilbert	Milford	Tompkins
Bracken	Gilbreath	Murphree	Trammell
Burleson	Graham	McDonald	Truss
Calvert	Green	Oakley	Tunstall
Carnley	Guy	Oliver	Van de Graaff
Christian	Hall	Orr	Varnier
Cliett	Hale	Parker	Waddell
Cobbs	Harrison	Partridge	Williams
Collins	Hawkins	Peters	Williamson
Dansby	Howle	Pittman	Wilson
Deese	Ingram	Reynolds	Woodard

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And the bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval

services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

As amended, was read a third time at length and passed.
Yeas, 67; Nays, 0.

Yeas:

Messrs:

Speaker	Downs	Jones (Escambia)	Robertson
Adams	Dunaway	Johnson	Ross
Albright	Edwards (Dallas)	Lee (Perry)	Russell
Alexander	Edwards (Pike)	Long (Butler)	Shaw
Allen	Ellis (Bullock)	Long (Sumter)	Simpson
Arnold	Ellis (Elmore)	Longshore	Smith
Austin	Fite	Mathews (Clarke)	Sparks
Barganier	Fuller	Mathews (Wilcox)	Stewart
Blunt	Gilbert	Milford	Tompkins
Bracken	Gilbreath	Murphree	Trammell
Burleson	Graham	McDonald	Truss
Calvert	Green	Oakley	Tunstall
Carnley	Guy	Oliver	Van de Graaff
Christian	Hall	Orr	Varnier
Cliett	Hale	Parker	Waddell
Cobbs	Harrison	Partridge	Williams
Collins	Hawkins	Peters	Williamson
Dansby	Howle	Pittman	Wilson
Deese	Ingram	Reynolds	Woodard

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On motion of Mr. Tompkins the bill was ordered sent forthwith to the Senate without engrossment.

BILLS ON SECOND READING.

Mr. Ross, chairman of the Standing Committee on Local Legislation reported that said Committee, in session, had acted on the following Bill and ordered same returned to the House with a favorable report:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Mr. Sparks, chairman of the Standing Committee on Penitentiary and Criminal Administrations, reported that said committee in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 5. To repeal section 8 of an Act entitled an act to provide for the employment of State convicts in mining coal on the

coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for a violation thereof, approved September 23rd, 1919, Acts 1919, pages 522 and 523.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 35. (with substitute). To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

The foregoing bill, H. 35, was read a second time at length.

Mr. Arnold, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

The above and foregoing Bills were severally read a second time and placed on the calendar.

INTRODUCTION OF BILLS

On a call of counties, bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Mr. Sparks:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Revision of Laws.

By Mr. Faulk:

H. 51. To prohibit the payment of traveling expenses of officers, agents and employees of the State and officers, agents and employees of any board, department or bureau of the State for travel to points outside the State and to provide a penalty for the violation of this Act.

Revision of Laws.

By Mr. Ellis of Elmore (with notice and proof):

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Ways, Means and Appropriations.

Notice and proof H. 52:

NOTICE.

There will be a bill introduced at the extra session of the Legislature of Alabama for the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

The State of Alabama, }
Elmore County. }

I, Frances Golson, editor of the Weekly Herald, a newspaper published in the county of Elmore, do hereby certify that the hereunto attached notice was published in said Weekly Herald for four consecutive weeks, September 9, 16, 23 and 30, 1920.

Frances Golson.

Sworn to and subscribed before me this the 30th day of September, 1920.

E. J. Cain,
Notary Public.

By Mr. Burleson:

H. 53. To amend section 17 and 18 of an act to provide pensions for soldiers and sailors in the service of the State of Alabama, and for their widows, and for soldiers and sailors in the army or navy of the Confederate States of America, and for their widows, and for the regulation of the payment thereof, and to constitute and appoint a pension commission for the State of Alabama, and prescribe its powers and duties, approved September 23, 1919.

Ways, Means and Appropriations.

By Mr. Truss:

H. 54. To repeal sections 2, 4 and 5 of an act of the Legislature of Alabama providing for the appointment of a fuel administrator and a salary for his services approved October 2, 1920.

Revision of Laws.

By Mr. Truss:

H. 55. To establish a justice of the peace court in any precinct of a county, in Alabama, having a population of three hundred and nine thousand (309,000) or more people, according to the last federal census, or any such census which may hereafter be taken.

Revision of Laws.

By Mr. Tunstall:

H. 56. To repeal section 1411 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Arnold:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Judiciary.

RESOLUTION.

The following resolution was introduced:

By Mr. Carnley:

H. R. 13. Whereas, the subject of taxation and the subject of revising the tax laws are not included by the governor in his list of subjects of legislation which may be acted upon by a majority vote in the Legislature; and

Whereas, the administration of the present revenue law is a burdensome, expensive, cumbersome and objectionable; and

Whereas, the paramount question in the minds of the people of the State is the subject of taxation and the desirability of changing our present tax laws especially in regard to doing away with the needless offices of tax adjusters; and

Whereas, it is a privilege of representatives in this House to take such constitutional means as may be available to bring about action on the paramount question in the State of Alabama at this time;

Now therefore be it resolved by the House of Representatives, that this House do pledge itself against action on any legislation, excepting only the soldier poll tax amendment, until the burdens of the present revenue bill are lightened and the office of county tax adjuster is abolished.

And the resolution was referred to the Standing Committee on Rules.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Standing Committee on Rules, returned to the House the following resolution with a favorable report:

By Mr. Carnley:

H. R. 5. Whereas, one of the important duties of the present session of this House is to undertake to provide for a system of permanent roads and to provide for such improvements in the direction, control and supervision of roads as may be needful; and

Whereas, detailed information in regard to the working of the present road laws as directed by the State Highway Depart-

ment is essential to intelligent action by members of this House in this special session:

Therefore be it resolved by the House of Representatives:

1. That the State auditor be required to furnish to the House of Representatives a detailed report as to the expenditures of the State Highway Department for the fiscal year ending September 30, 1921.

2. That the State highway engineer do furnish to the House of Representatives a statement or detailed report (a) as to the different road projects undertaken and completed during the last two fiscal years, together with the mileage and counties in which said projects are located and the class of roads improved or built; (b) the amounts expended in the last two fiscal years under the direction of the highway department together with detailed statement of amounts paid for actual construction, amounts paid for engineering, amounts paid for supervision; (c) an itemized statement of salaries paid to officers and employees of the State highway department during the last two fiscal years; (d) list of projects undertaken but not completed together with the counties and their location and the mileage of same; (e) the sources and amounts of money that have been expended under the direction of the State highway department during the last two fiscal years, stated separately for each year as to amounts received from State treasury, from city and county appropriations and from United States Government, and value and amount of convict labor furnished by the several counties for road work.

And the resolution was adopted.

Mr. Tompkins, from the Rules Committee, returned to the House, H. R. 7 by Mr. Van de Graaff, with an adverse report, said resolution being relative to Hon. H. T. Burks, holding his seat as a member of the House of Representatives.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3:30 p. m.

AFTERNOON SESSION.

The hour of 3:30 having arrived the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 20. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval

services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Also:

S. 1. To amend section 7654 of the Code of Alabama of 1907.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Revision of Laws: S. 20, S. 1.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and ordered same sent to the House without engrossment:
By Mr. Craft:

S. J. R. 13. Whereas, a distinguished citizen of the State of Alabama, our Honorable United States Senator, John Hollis Bankhead, has departed this life after a long public career of usefulness; and

Whereas, Senator Bankhead enlisting in the Confederate Army as a boy demonstrated the highest quality of valor and patriotism as a soldier of the South; and

Whereas, he exemplified the highest courage when after the South had been devastated by the ravages of war, he took to the plow handle as a means of supporting his mother and of earning funds with which to educate himself; and

Whereas, during his long career as a member of the House of Representatives and as a United States Senator from this State, he was especially active in opening up our waterways for navigation and the utilization of water power; and

Whereas, due to his long and zealous championship of good roads, he secured the greatest appropriation in the history of the government, aggregating approximately three hundred million dollars for the construction of good roads throughout the United States:

Now, therefore, be it resolved by the Senate, the House concurring, that in the death of Senator John Hollis Bankhead, Ala-

bama has lost one of her most distinguished citizens—a man honored and respected for his high character and excellencies of mind and heart.

Be it further resolved, that we mourn his death as a former soldier, patriot and statesman—one who has written many of the brightest pages of Alabama's illustrious history.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 13, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and ordered same sent to the House without engrossment:
By Mr. Craft:

S. J. R. 18. Resolved by the Senate, the House concurring, that a cordial and pressing invitation be and the same is hereby extended to the Hon. J. Thomas Heflin, Junior United States Senator from the State of Alabama, to address the Legislature at such time as may suit his pleasure and convenience on the subject of the imperative importance of the construction of a thorough system of State highways and the development of the waterways of the State.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 18, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolutions and ordered same sent to the House without engrossment:

By Mr. Prestwood:

S. J. R. 8. Whereas, the State Highway Department was created, as it is now constituted, by the Legislature in 1919, and began functioning under said act October 1st, 1919.

Whereas, the Legislature has created a special fund, being a fund obtained by the sale of all motor vehicle licenses in the State, and

Whereas, said Highway Department has been operating under said act and dispersing the moneys derived from said special fund, and

Whereas, said fund was created by the Legislature in anticipation of the ratification of the proposed Bond Issue Amendment to the Constitution, and

Whereas, said Bond Issue Amendment has been declared invalid by the Supreme Court of Alabama, and the Legislature is now called upon again to re-submit said amendment to the people of Alabama, and

Whereas, the Legislature being desirous of all information that can be obtained from the State Highway Department, as to their acts and doings to the end that all members of the Legislature may act intelligently upon all matters submitted to them for their consideration in this behalf.

Therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that the State Highway Department be required to furnish forthwith to both houses of the Legislature a detailed statement, showing all receipts and disbursements since October 1st, 1919, and including in said statement the amount of all salaries and compensations paid and authorized by said department to be paid to any and all of its officers and employees; the number of miles of roads constructed and with what material and the costs of same and where located; the number of bridges constructed and with what material, and the location of each and the cost of each; the number of projects surveyed and the number of miles included in said project or projects, and the cost of same and where located; the total amount expended for all purposes and the balance now on hand at the time of making this statement; the amount and amounts of Federal aid received and where and when distributed.

All information called for in this resolution to be since October first, 1919.

Also:

By Mr. Prestwood:

S. J. R. 9. Whereas, the Muscle Shoals enterprise and its development for the benefit of the agricultural interest of this nation being of profound importance, and

Whereas, it being known that Mr. Henry Ford has made to the government of the United States of America a proposal for the development, leasing and control of said enterprise, and

Whereas, it being known that Mr. Ford's organization is financially able to develop said industry and the marked efficiency of his organization is almost a matter of common knowledge, and

Whereas, the agricultural interests of the country have confidence in the proposal of Mr. Ford to manufacture their needed fertilizers at a much lower cost to them than they have been able to obtain heretofore,

Therefore, be it resolved by the Senate of Alabama, the House of Representatives concurring, that the Congress of the United States of America is hereby petitioned and memorialized to adopt such measures and enact such laws as will cause the favorable acceptance by the government of the United States of Mr. Ford's proposal; and that a copy of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the Congress of the United States, and to each Senator of Congress from the State of Alabama.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted Senate joint resolutions Nos. 8 and 9, which are set out in the above and foregoing message from the senate.

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until tomorrow morning at ten o'clock.

FOURTH DAY.

House of Representatives,
Friday, October 7th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Dr. O. P. Speigel of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Christopher	Fuller	Johnson
Adams	Cliett	Gilbreath	Lawson
Allen	Cobbs	Graham	Long (Butler)
Andrews	Collins	Green	Long (Sumter)
Arnold	Dansby	Guy	Longshore
Austin	Deese	Hale	Mathews (Clarke)
Benners	Downs	Hawkins	Milford
Blunt	Edwards (Dallas)	Hollis	Murphree
Bracken	Edwards (Pike)	Holmes	McDonald
Burleson	Ellis (Elmore)	Howle	Oakley
Calvert	Fite	Ingram	Orr
Carnley	Fletcher	Jones (Escambia)	Parker

Partridge	Russell	Tompkins	Varner
Pittman	Shaw	Trammell	Williamson
Reynolds	Smith	Truss	Wilson
Robertson	Sparks	Tunstall	Woodard
Ross	Stewart	Van de Graaff	

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on the Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the third day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and the journal for the third day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Hall, Dunaway, Gilbert and Simpson for today.

On motion of Mr. Carnley, the Clerk of the House, was instructed to transmit a copy of House Resolution No. 5 to the State auditor and to the State highway commission.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 18. To amend section 6906 of the Code of Alabama (1907)

Also:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this Special Session of the Legislature.

And sends same herewith to the House without engrossment.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time at length and referred to appropriate Standing Committees as follows:

Revision of Laws, S. 18, S. 21.

REPORT OF MEMORIAL COMMITTEE.

Whereas, an all-wise Providence has removed from our midst by death, Hon. W. L. Sherrod, one of the Representatives from Lauderdale county, and both the State and his county are thereby deprived of the services of a valued legislator; now therefore be it

Resolved, by the House of Representatives, that in the death of Representative Sherrod, the State has lost a citizen of high character and true worth, this Legislature a faithful representative and the community in which he lived a public-spirited leader.

2. That a page of the Journal of this House be set aside and suitably inscribed with these resolutions in his memory and that copies thereof be given to the public press and forwarded to members of his family.

G. W. Ross,
F. J. Ingram,
S. E. McDonald,
H. C. Ellis,
R. E. Blunt,
Committee.

The above memorial was adopted by a rising vote.

REPORT OF MEMORIAL COMMITTEE.

Whereas, an all-wise Providence has removed from our midst by death, Hon. J. A. Holmes, one of the Representatives from Elmore county, and both the State and his county are thereby deprived of the services of a valued legislator; now therefore be it

Resolved, by the House of Representatives, that in the death of Representative Holmes, the State has lost a citizen of high character and true worth, this Legislature a faithful representative and the community in which he lived a public-spirited leader.

2. That a page of the Journal of this House be set aside and suitably inscribed with these resolutions in his memory and that copies thereof be given to the public press and forwarded to members of his family.

G. W. Ross,
F. J. Ingram,
S. E. McDonald,
H. C. Ellis,
R. E. Blunt,
Committee.

The above memorial was adopted by a rising vote.



Dedicated

TO THE MEMORY OF

Hon. W. L. Sherrod

REPRESENTATIVE OF LAUDERDALE
COUNTY.

Hon. J. A. Holmes

REPRESENTATIVE OF ELMORE COUNTY.

Hon. W. D. McCurdy

FORMER REPRESENTATIVE OF LOWNDES
COUNTY.

BILLS ON SECOND READING.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Arnold:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Mr. Sparks, chairman of the Standing Committee on Penitentiary and Criminal Administration, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 10. To amend section eight of an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919 (Acts 1919, p. 522-23).

Mr. Arnold, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Arnold:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Mr. Arnold, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

By Mr. Arnold (with amendment):

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three

months from and after the final adjournment of the present special session of the Legislature.

The above and foregoing bills were severally read a second time and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of counties a bill was introduced, read one time and referred to appropriate Standing Committee as follows:
By Mr. Truss:

H. 58. To amend section 122 of the Constitution of Alabama as to the calling of special, or extraordinary, sessions of the Legislature so as to allow two thirds of the number of the duly elected members to call the Legislature into special, or extraordinary, session.

Judiciary.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Rules Committee, returned to the House the following resolution:

H. R. 14—by Rules Committee:

Be it resolved by the House that,

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State,
be and continue the paramount order of business until finally disposed of.

And the resolution was adopted.

BILL ON THIRD READING.

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges and highways in this State.

Was taken up. On motion of Mr. Tompkins, the further consideration of the bill, H. 45, was postponed until the next legislative day and that the same continue the paramount special order and that 500 copies of the bill be printed for the use of the House.

RESOLUTION.

The following resolution was introduced:
By Mr. Tunstall:

H. R. 15. Resolved, that the Doorkeeper is hereby instructed to procure from secretary of State one hundred copies of Acts of 1919 and Code of 1907 and Special Acts of 1920 session for use of the members of the House.

And the rules were suspended and the resolution was adopted.

ADJOURNMENT.

On motion of Mr. Murphree, the House adjourned until Monday, October 10th, at two p. m.

FIFTH DAY.

House of Representatives,
Monday, October 10th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. B. M. Herlong, of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Deese	Howle	Pittman
Adams	Dodson	Ingram	Robertson
Albright	Downs	Jones (Escambia)	Ross
Alexander	Dunaway	Jones (Marengo)	Russell
Allen	Edwards (Pike)	Johnson	Salter
Arnold	Ellis (Bullock)	Jordan	Shaw
Austin	Ellis (Elmore)	Lawson	Smith
Baker	Faulk	Leo (Perry)	Sparks
Barganier	Fite	Long (Butler)	Stewart
Blunt	Fletcher	Long (Sumter)	Tompkins
Bracken	Fuller	Matthews (Wilcox)	Trammell
Burleson	Gilbert	Milford	Truss
Calvert	Gilbreath	Mitchell	Tunstall
Carnley	Graham	Moorer	Van de Graaff
Christian	Green	McDonald	Varner
Christopher	Guy	McLeod	Waddell
Clayton	Hale	Oakley	Williams
Cobbs	Harrison	Oliver	Williamson
Collins	Hawkins	Orr	Wilson
Crump	Hollis	Parker	Woodard
Dansby	Holmes		

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the fourth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the fourth day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Edwards of Dallas for today and to Mr. Mathews of Clarke indefinitely.

ASSIGNMENT ON COMMITTEES.

The Speaker announced the assignment of Mr. Calvert on the following Standing Committees: Education, Temperance, Public Health, Game, Fish and Forestry Preservation.

RESOLUTION.

The following resolution was introduced:

By Mr. Tunstall:

H. J. R. 16. Resolved by the House, the Senate concurring, that no bill shall be introduced in either house after Wednesday, October 12th, and the resolution was referred to the Standing Committee on Rules.

NOTICE IN WRITING.

Mr. Van de Graaff, gave the following notice in writing:

Notice is hereby given that on the next legislative day motion will be made to take from the adverse calendar House Resolution No. 7, instructing the Clerk to strike from the roll of members of the House the name of H. T. Burks. This Oct. 10th, 1921.

BILL REPORTED FAVORABLY.

Mr. Long of Sumter, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

H. 31 (with amendment). To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

The above and foregoing bill was read a second time and placed on the calendar.

THREE HUNDRED COPIES ORDERED PRINTED.

The auditor's report on the disbursements of the State highway department, was submitted and three hundred copies ordered printed for the use of the members of the House.

On motion of Mr. Carnley the House instructed the Clerk not to include the report in the Journal.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Carnley:

H. 59. To amend sections 39, 42, 43, 47, 49, 56, 57, 58, 59, 61, 63, 64, 65, and 71 of an Act entitled "An act to provide for the General Revenue of the State of Alabama," approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Carnley:

H. 60. To amend an act, "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Parker:

H. 61. To amend section 5 of an act to amend sections 4 and 5 of an act approved September 23rd, 1919, entitled "An act to provide pensions for soldiers and sailors of the service of the State of Alabama, and for their widows and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama, and prescribe its powers and duties" by changing the term of required residence in the State from five years to three years and by providing a requirement of additional, specific duties to be performed in carrying out the purposes of said act and compensation therefor.

Pensions and Soldiers Homes.

By Mr. Calvert:

H. 62. To prescribe qualifications and provide for the payment of salaries and compensation of deputy sheriffs, to provide for its enforcement and fix penalties for its violation.

Revision of Laws.

By Mr. Baker:

H. 63. To further regulate the collection of taxes.

Ways, Means and Appropriations.

By Mr. Baker:

H. 64. To repeal section 25 of an act entitled, "An act to fix the compensation of the several State executive officers, of-

ficers of departments and boards, subordinate officers, clerks, watchmen and capitol servants, approved September 30, 1919.

Revision of Laws.

By Mr. Milford:

H. 65. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and to provide how they shall do business.

Revision of Laws.

By Mr. Hawkins:

H. 66. For the relief and compensation of the constables of this State who have performed services outside of their respective precincts and in their respective counties under color of an act entitled "An act for the protection of human beings and of livestock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit court clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State pasteur institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved September the 30th, 1919.

Revision of Laws.

* By Mr. Ross:

* H. 67. To permit the manufacture and sale of cereal beverages.

Ways, Means and Appropriations.

* By Mr. Fuller:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not ex-

ceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Local Legislation.

By Mr. Cobbs:

H. 69. To repeal an act entitled an act, "To promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." "Approved September 30, 1919."

Public Health.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolutions and ordered same sent to the House without engrossment:

By Mr. Rogers of Sumter:

S. J. R. 19. Resolved by the Senate, the House concurring, that W. S. Keller, chief engineer of the State, be requested to make to a joint sitting of the House and Senate in the hall of the House of Representatives at the hour of 3 p. m., Oct. 10, 1921, a full report of the work of the highway commission, accounting for the expenditures of all moneys by this department.

Also:

By Mr. Rogers of Sumter:

S. J. R. 20. Resolved by the Senate, the House concurring, that the Honorable John McDuffie, congressman from the first district of Alabama, be invited to address a joint sitting of the House and Senate at the hour of 4 P. M. this afternoon, October 10, 1921, or immediately after the report made by W. S. Keller, that a committee of three, one from the Senate and two from the House, be made to notify Mr. McDuffie of this invitation.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted the Senate Joint Resolutions Nos. 19 and 20, which are set out in the above and foregoing message from the Senate.

The Speaker named as committee on part of the House Messrs. Jones of Marengo, and Jones of Escambia to wait upon Mr. McDuffie and notify him of the invitation.

JOINT SESSION.

The hour of 3 o'clock having arrived, under a joint resolution heretofore adopted, the joint session of the two houses was called to order:

The President of the Senate directed the Secretary of the Senate to call the roll and the following senators answered to their names:

Messrs:			
Acker	Craft	Leith	Rogers (Sumter)
Baker	Ellis	Miller	Sims
Bedsole	Espy	Moore	Smith (Coosa)
Butler	Evins	Morris	Smith (Lawrence)
Caffey	Griffith	McDowell	Tally
Carlton	Harper	Nance	Tasley
Carmichael	Huddleston	Phillips	West
Cowan	Kelly	Prestwood	

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The Speaker of the House directed the Clerk of the House to call the roll of the House and the following members answered to their names:

Messrs:			
Speaker	Dansby	Jones (Marengo)	Ross
Adams	Deese	Johnson	Russell
Albright	Downs	Jordan	Salter
Alexander	Dunaway	Lawson	Smith
Allen	Edwards (Pike)	Lee (Perry)	Sparks
Arnold	Ellis (Bullock)	Long (Butler)	Stewart
Austin	Ellis (Elmore)	Long (Sumter)	Tompkins
Baker	Faulk	Matthews (Wilcox)	Trammell
Barganier	Gilbreath	Milford	Truss
Blunt	Graham	Mitchell	Tunstall
Bracken	Green	Moorer	Van de Graaff
Calvert	Hale	McDonald	Varner
Carnley	Harrison	McLeod	Waddell
Christian	Hawkins	Oakley	Williams
Christopher	Hollis	Orr	Williamson
Clayton	Howle	Parker	Wilson
Cobbs	Ingram	Pittman	Woodard
Crump	Jones (Escambia)	Robertson	

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Hon. W. S. Keller, State highway engineer, was present and addressed the two houses in joint session.

Hon. John McDuffie, congressman from the first district, also addressed the two houses.

The purpose of the joint session having been accomplished, the Senate repaired to its chamber.

ADJOURNMENT.

On motion of Mr. Tunstall the House adjourned until tomorrow morning at 10:30.

SIXTH DAY.

House of Representatives,
Tuesday, October 11th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. D. W. Haskew of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Dansby	Howle	Parker
Adams	Deese	Ingram	Pittman
Albright	Downs	Jones (Escambia)	Ross
Alexander	Dunaway	Jones (Marengo)	Russell
Allen	Edwards (Pike)	Johnson	Salter
Andrews	Ellis (Bullock)	Jordan	Seale
Arnold	Ellis (Elmore)	Lawson	Shaw
Austin	Faulk	Lee (Perry)	Smith
Baker	Fletcher	Long (Butler)	Sparks
Barganier	Fuller	Long (Sumter)	Tompkins
Benners	Gilbert	Longshore	Trammell
Blunt	Gilbreath	Matthews (Wilcox)	Truss
Bracken	Graham	Milford	Tunstall
Calvert	Green	Mitchell	Van de Graaff
Carnley	Guy	Moorer	Varner
Christian	Hale	McDonald	Waddell
Christopher	Hare	McLeod	Williamson
Clayton	Harrison	Oakley	Wilson
Cobbs	Hawkins	Orr	Woodard
Crump	Hollis		

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A quorum was present.

JOURNAL.

Mr. Allen, acting chairman of the Standing Committee on the Revision of the Journal, made the following report:
Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the fifth day and finds the same to be correct.

W. G. Allen,
Acting Chairman.

The report of the committee was concurred in and adopted and the journal for the fifth day was approved.

PRIVILEGES OF THE FLOOR.

Were granted to Hon. J. R. Alford of Hartford and Hon. Fleetwood Rice of Tuscaloosa for today.

RESOLUTION.

The following resolution was introduced:

By Mr. Long of Sumter:

H. R. 17. Be it resolved by the House that the chairman of the Standing Committee on Mining and Manufacturing shall have the authority to appoint a committee clerk to serve for the Committee on Mining and Manufacturing.

The resolution was referred to the Standing Committee on Rules.

REPORT OF STANDING COMMITTEES.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 55. To establish a justice of the peace court in any precinct of a county, in Alabama, having a population of three hundred and nine thousand (309,000) or more people, according to the last federal census, or any such census which may hereafter be taken.

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

H. 56. To repeal section 1411 of the Code of Alabama of 1907.

S. 1. To amend section 7654 of the Code of Alabama of 1907.

S. 18. To amend section 6906 of the Code of Alabama (1907)

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by

the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

The foregoing bill, S. 21, was read the second time at length.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee in session had acted on the following bill and ordered the same returned to the House with a favorable report with amendment:

H. 43 (with amendment). To protect state and county officers and other persons against suits to recover money collected or paid out under statutes, subsequently held to be unconstitutional.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 67. To permit the manufacture and sale of cereal beverages.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Mr. Lawson, chairman of the Standing Committee on Pensions and Soldiers' Homes, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 61. To amend section 5 of an act to amend sections 4 and 5 of an act approved September 23rd, 1919, entitled "An act to provide pensions for soldiers and sailors of the service of the State of Alabama, and for their widows and for soldiers and sailors in the army and navy of the Confederate States of America, and for their widows and for the regulation of the payment thereof and to constitute and appoint a pension commission for the State of Alabama, and prescribe its powers and duties" by changing the term of required residence in the State from five years to three years and by providing a requirement of additional, specific duties to be performed in carrying out the purposes of said act and compensation therefor.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

By Mr. Faulk:

H. 51. To prohibit the payment of traveling expenses of officers, agents and employees of the State and officers, agents and employees of any board, department or bureau of the State for travel to points outside the State and to provide a penalty for the violation of this act.

By Mr. Calvert:

H. 49. To prescribe qualifications and provide for the payment of salaries and compensation of deputy sheriffs in counties having a population of not less than fifty thousand and not exceeding fifty-one thousand population, according to the last or any subsequent Federal census, to provide for its enforcement and fix penalties for its violation.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Adams:

H. 70. To divide the State of Alabama into ten congressional districts.

Revision of Laws.

By Mr. Fuller:

To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Judiciary.

By Mr. Faulk:

H. 72. To repeal an act entitled an act to regulate the mining of coal in Alabama, approved April 18, 1911, as amended by an act entitled an act to amend sections 1 and 4 of an act approved April 18, 1911, and entitled an act to regulate the mining of coal in Alabama, which amendatory act was approved September 30, 1919.

Revision of Laws.

By Mr. Faulk:

H. 73. To repeal an act entitled an act to create a State Harbor Commission, to be known as the State Harbor Commission, define its jurisdiction, powers and duties and prescribe the mode of procedure and penalties for violation of this act and repeal all laws in conflict therewith, approved September 25, 1915.
Revision of Laws.

By Mr. Dunaway:

To make an appropriation out of the State treasury to pay premiums on Alabama raised steers and to provide how and by what means said amount shall be paid.

Ways, Means and Appropriations.

NOTICE IN WRITING.

Mr. Faulk gave notice that on the next legislative day, he would move to take from the adverse calendar:

H. 51. To prohibit the payment of traveling expenses of officers, agents and employees of the State and officers, agents and employees of any board, department or bureau of the State for travel to points outside the State and to provide a penalty for the violation of this act.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Also:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were read one time and referred to appropriate Standing Committees as follows:

Ways, Means and Appropriations, S. 6.

Revision of Laws, S. 22.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Standing Committee on Rules, returned to the House the following resolution: Rules Committee:

H. R. 18. Be it resolved by the House of Representatives that the paramount order of business for today shall be the consideration of

H. 44 (with amendment). To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

That such order of business shall take precedence over all other business until finally disposed of.

And the resolution was adopted.

SPECIAL ORDER.

Under a resolution heretofore adopted, the House proceeded to the consideration of the special order, which was the bill:

H. 44 (with amendment.) To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

The question was upon the adoption of the amendment reported by the Standing Committee on Public Roads and Highways, said committee amendment being as follows:

"Amend section 1 of the bill by striking therefrom the following words "or otherwise."

"Amend section 3 of the bill by striking therefrom the words "or otherwise."

And the amendment was adopted.

Yeas, 77; Nays, 0.

Yeas:

Messrs:

Speaker	Downs	Jones (Escambia)	Ross
Adams	Dunaway	Jones (Marengo)	Russell
Albright	Edwards (Dallas)	Johnson	Salter
Alexander	Edwards (Pike)	Jordan	Seale
Allen	Ellis (Bullock)	Lawson	Shaw
Andrews	Ellis (Elmore)	Lee (Perry)	Smith
Arnold	Faulk	Long (Butler)	Sparks
Austin	Fletcher	Longshore	Stewart
Baker	Fuller	Matthews (Wilcox)	Tompkins
Benners	Gilbert	Milford	Trammell
Blunt	Gilbreath	Mitchell	Truss
Bracken	Graham	Moorer	Tunstall
Calvert	Green	McDonald	Van de Graaff
Carnley	Guy	McLeod	Varner
Christian	Hale	Oakley	Waddell
Clayton	Hare	Orr	Williams
Cobbs	Harrison	Parker	Williamson
Crump	Hollis	Pittman	Wilson
Dansby	Ingram	Robertson	Woodard
Deese			

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RECESS.

Pending the further consideration of the bill, on motion of Mr. Tompkins, the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Mr. Baker offered the following amendment to the bill:

"Amend the caption of House Bill 44 by adding the word "locate" immediately after the following words "authorizing the State to" where they occur in the second line of said caption."

And the amendment was adopted:

Yeas, 69; Nays, 9.

Yeas:

Messrs:			
Speaker	Dunaway	Johnson	Ross
Adams	Edwards (Dallas)	Jordan	Russell
Alexander	Ellis (Bullock)	Lawson	Salter
Allen	Ellis (Elmore)	Lee (Perry)	Seale
Andrews	Fletcher	Long (Sumter)	Shaw
Arnold	Fuller	Longshore	Smith
Austin	Gilbert	Matthews (Wilecox)	Sparks
Baker	Gilbreath	Milford	Tompkins
Barganier	Green	Mitchell	Trammell
Benners	Hale	Murphree	Truss
Blunt	Hare	McDonald	Tunstall
Bracken	Harrison	McLeod	Van de Graaff
Calvert	Hawkins	Oakley	Varner
Christian	Hollis	Orr	Waddell
Cobbs	Ingram	Parker	Williams
Crump	Jones (Escambia)	Pittman	Wilson
Dansby	Jones (Marengo)	Robertson	Woodard
Deese			

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Nays:

Messrs:			
Albright	Clayton	Edwards (Pike)	Guy
Carnley	Downs	Faulk	Williamson
Christopher			

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Mr. Baker offered the following amendment to the bill:

Amend section 1 of H. 44 by adding immediately after the word "bonds" where it occurs in line 4, page 2 of the original bill the following:

"The State highway commission or highway department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments."

And the amendment was adopted.

Yeas, 69; Nays, 9.

*Yeas :***Messrs :**

Speaker	Dunaway	Johnson	Ross
Adams	Edwards (Dallas)	Jordan	Russell
Alexander	Ellis (Bullock)	Lawson	Salter
Allen	Ellis (Elmore)	Lee (Perry)	Seale
Andrews	Fletcher	Long (Sumter)	Shaw
Arnold	Fuller	Longshore	Smith
Austin	Gilbert	Matthews (Wileox)	Sparks
Baker	Gilbreath	Milford	Tompkins
Barganier	Green	Mitchell	Trammell
Benners	Hale	Murphree	Truss
Blunt	Hare	McDonald	Tunstall
Bracken	Harrison	McLeod	Van de Graaff
Calvert	Hawkins	Oakley	Varner
Christian	Hollis	Orr	Waddell
Cobbs	Ingram	Parker	Williams
Crump	Jones (Escambia)	Pittman	Wilson
Dansby	Jones (Marengo)	Robertson	Woodard
Deese			

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*Nays :***Messrs :**

Albright	Clayton	Edwards (Pike)	Guy
Carnley	Downs	Faulk	Williamson
Christopher			

—9

Mr. Baker offered the following amendment to the bill:

Amend section 3 of H. 44 by inserting immediately after the word "bonds" where it occurs in line 12, page 3, of the original bill the following words:

"The State highway commission or highway department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments."

And the amendment was adopted.

Yeas, 69; Nays, 9.

*Yeas :***Messrs :**

Speaker	Andrews	Barganier	Calvert
Adams	Arnold	Benners	Christian
Alexander	Austin	Blunt	Cobbs
Allen	Baker	Bracken	Crump

Dansby	Hawkins	Mitchell	Shaw
Deese	Hollis	Murphree	Smith
Dunaway	Ingram	McDonald	Sparks
Edwards (Dallas)	Jones (Escambia)	McLeod	Tompkins
Ellis (Bullock)	Jones (Marengo)	Oakley	Trammell
Ellis (Elmore)	Johnson	Orr	Truss
Fletcher	Jordan	Parker	Tunstall
Fuller	Lawson	Pittman	Van de Graaff
Gilbert	Lee (Perry)	Robertson	Varner
Gilbreath	Long (Sumter)	Ross	Waddell
Green	Longshore	Russell	Williams
Hale	Matthews (Wilcox)	Salter	Wilson
Hare	Milford	Seale	Woodard
Harrison			

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*Nays:**Messrs:*

Albright	Clayton	Edwards (Pike)	Guy
Carnley	Downs	Faulk	Williamson
Christopher			

—9

And the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

As amended, was read a third time at length and lost, not receiving the majority required by the Constitution.

Yeas, 56; Nays, 24.

*Yeas:**Messrs:*

Speaker	Crump	Hawkins	Parker
Adams	Dansby	Hollis	Ross
Allen	Deese	Ingram	Russell
Andrews	Downs	Jones (Escambia)	Salter
Arnold	Dunaway	Jones (Marengo)	Seale
Austin	Edwards (Dallas)	Jordan	Shaw
Baker	Fletcher	Long (Sumter)	Smith
Barganier	Fuller	Matthews (Wilcox)	Sparks
Benners	Gilbert	Milford	Tompkins
Blunt	Gilbreath	Mitchell	Tunstall
Bracken	Green	Moorer	Varner
Calvert	Hale	Murphree	Waddell
Christian	Hare	Oakley	Williams
Cobbs	Harrison	Orr	Wilson

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*Nays:***Messrs:**

Albright	Ellis (Bullock)	Lee (Perry)	Reynolds
Alexander	Ellis (Elmore)	Long (Butler)	Trammell
Carnley	Faulk	Longshore	Truss
Christopher	Guy	McDonald	Van de Graaff
Clayton	Johnson	McLeod	Williamson
Edwards (Pike)	Lawson	Pittman	Woodard

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RESOLUTION.

The following resolution was introduced:

By Mr. Long of Sumter:

H. R. 19. Resolved, that the Standing Committee on Mining and Manufacturing be allowed a Clerk.

The rules were suspended and the resolution was adopted.

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until tomorrow at 11 o'clock a. m.

SEVENTH DAY.

House of Representatives,
Wednesday, October 12th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. P. N. McDonald of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Speaker	Bracken	Deese	Graham
Adams	Burleson	Downs	Green
Albright	Calvert	Edwards (Dallas)	Guy
Alexander	Carnley	Edwards (Pike)	Hall
Allen	Christian	Ellis (Bullock)	Hale
Andrews	Christopher	Ellis (Elmore)	Hare
Arnold	Clayton	Faulk	Harrison
Austin	Cobbs	Fletcher	Hawkins
Baker	Collins	Fuller	Hollis
Barganier	Crump	Gilbert	Howle
Blunt	Dansby	Gilbreath	Ingram

Jones (Escambia)	Matthews (Wileox)	Reynolds	Trammell
Jones (Marengo)	Milford	Robertson	Truss
Johnson	Mitchell	Ross	Tunstall
Jordan	Moorer	Russell	Van de Graaff
Lawson	Murphree	Salter	Varner
Lee (Butler)	McDonald	Shaw	Waddell
Lee (Perry)	Orr	Smith	Williamson
Long (Butler)	Partridge	Sparks	Wilson
Long (Sumter)	Peters	Stewart	Woodard
Longshore	Pittman	Tompkins	

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the sixth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the sixth day was approved.

LEAVE OF ABSENCE.

Was granted to Mr. Dunaway for today.

RECONSIDERATION.

Mr. Reynolds and Mr. Tunstall moved to reconsider the vote by which the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was lost on yesterday. The motion prevailed and, on motion of Mr. Tunstall, the further consideration of the bill was postponed until Tuesday of next week, and the same was made a paramount special order immediately after the report of the Standing Committee on Revision of the Journal.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Van de Graaff, called up his motion to take from the adverse calendar H. R. 7, relative to Hon. H. T. Burk's name being dropped from the roll of the House.

And the motion was lost.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Arnold:

H. 75. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Privileges and Elections.

By Mr. Arnold:

H. 76. No title.

Ways, Means and Appropriations.

By Mr. Arnold:

H. 77. To amend section 2520 of the Code of Alabama of 1907.

Revision of Laws.

By Mr. Smith:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

Revision of Laws.

By Mr. Hale:

H. 79. To amend section 3026 of the Code of Alabama.
Public Roads and Highways.

By Mr. Hale:

H. 80. For the relief of John Craft and the Mobile Roofing & Cornice Company of Mobile, Alabama.

Ways, Means and Appropriations.

By Mr. Murphree:

H. 81. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Ways, Means and Appropriations.

By Mr. Partridge:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Education.

By Mr. Burleson:

H. 83. To propose an amendment to section 49 of the present constitution of Alabama relative to the pay of members of the legislature, and to order an election on such proposed amendment and to set the date for such election.

Ways, Means and Appropriations.

By Mr. Cobbs:

H. 84. To abolish all sex limitations in eligibility to office.
Revision of Laws.

REPORT OF STANDING COMMITTEES.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

By Mr. Adams:

H. 70. To divide the State of Alabama into ten congressional districts.

By Mr. Milford:

H. 65. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

By Mr. Teasley:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Mr. Tompkins, acting chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted upon the following bill and ordered same returned to the House without recommendation and with substitute:

By Mr. Long of Butler:

H. 6. No title, title to substitute being as follows: To amend an act to provide for the general revenue of the State of Alabama, approved September 15, 1919.

Mr. Tompkins, acting chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted upon the following bill and ordered same returned to the House without recommendation:

By Mr. Carnley:

H. 59. To amend sections 39, 42, 43, 47, 49, 56, 57, 58, 59, 61, 63, 64, 65 and 71 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Mr. Sparks, chairman of the Standing Committee on Municipal Organizations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Burleson:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

The above and foregoing bills were severally read a second time and placed on the calendar.

RESOLUTION.

The following resolutions were introduced :

By Mr. Deese :

H. R. 20. Whereas, the people of Alabama are demanding that this extra session of the Legislature abolish the office of county tax adjuster, and

Whereas, we believe a reasonable need for this office does not exist, and

Whereas, we believe an overwhelming majority of the members of this House are in favor of granting this demand of the people, and

Whereas, this House is now deadlocked and cannot move forward with other legislation till this relief is granted to the people of this State,

Therefore resolved by this House that H. B. 6 providing for the abolition of the office of tax adjuster be made a special order for the eighth legislative day.

The resolution was referred to the Standing Committee on Rules :

By Mr. Orr :

H. J. R. 21. Resolved by the House, the Senate concurring, that when both houses adjourn tomorrow, they adjourn to reconvene next Monday at 2 o'clock p. m.

Mr. Orr moved that the rules be suspended and the resolution be put upon its immediate passage. The rules were suspended and the resolution was adopted.

By Mr. Faulk :

H. J. R. 22. Be it resolved by the House, the Senate concurring, that the congress of the United States is hereby memorialized to propose an amendment to the Constitution of the United States so as to vest in the people of the United States the power to declare war by a direct vote of the qualified electors of the several states except in cases when the United States or some part of its territory is actually invaded or is in such imminent danger of invasion as will not admit of delay, when in such cases Congress may declare war without submitting the question to a vote of the qualified electors of the several states.

Be it resolved, further, that a copy of these resolutions be forwarded to each of the two houses of congress and to each of the two United States senators and to each of the ten representatives in Congress from Alabama.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Craft:

S. J. R. 21. Whereas, a semi-centennial is to be held by the citizens of Birmingham, Alabama, on October 24-29, and

Whereas, the President of the United States has been invited to visit Birmingham, which invitation he has accepted, and

Whereas, Senator Oscar W. Underwood has also been invited and has accepted the invitation, and

Whereas, the great captain of industry, Henry Ford, has also been invited and has accepted the invitation to visit Birmingham, and to participate in the celebration:

Now, therefore, be it resolved by the Senate, the House concurring, that the governor of the State of Alabama, is respectfully requested to extend to the President of the United States, to Senator Oscar W. Underwood, and to the great captain of industry, Henry Ford, a cordial invitation to address a joint session of the Legislature of Alabama during their sojourn in the State of Alabama.

And ordered same sent to the House without engrossment.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted Senate Joint Resolution No. 21. which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

By Mr. Craft:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this

State or the waters subject to the territorial jurisdiction of the State of Alabama; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate standing committee as follows:

Revision of Laws, S. 29.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and ordered same sent to the House without engrossment:
By Mr. Rogers of Lauderdale:

S. J. R. 23. Whereas, the present high freight rates create the greatest barrier to the return of prosperity in Alabama and throughout the entire United States, and

Whereas, the farmer is unable to market the products of the farm and receive a reasonable remuneration therefor, owing to the prohibitive freight rates charged by the railroads, and

Whereas, the demand for homes is unprecedented, but the freight rates on building materials, including lumber, brick and cement combine to make the cost of construction exceed the financial ability of many who would become home builders, and

Whereas, thirty-three per cent of the people of the United States are actively engaged in agricultural pursuits and fifty per cent of the people are dependent upon the products of the farmer for a livelihood and upon the transportation of farm products, therefore,

Be it resolved by the Senate of Alabama, the House concurring, that the Congress of the United States be, and is hereby petitioned to take such action as will materially reduce freight rates on all products, materials, and merchandise shipped by rail from points in one state to points in another state.

Be it further resolved that the Alabama public service commission be and is hereby directed to use all legal and proper

means to obtain a reduction in freight rates on all goods and commodities shipped within the State of Alabama.

Be it further resolved, that copies of these resolutions be sent to the Alabama delegation in the Senate and House of Representatives of the United States.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted Senate Joint Resolution 23, which is set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

Was taken up. Mr. Sparks offered the following amendment to the bill: "Amend House Bill 45 by striking out the word 'three' in line 18 of section one of the bill, and substituting therefore the word 'seven.'"

RECESS.

Pending the further consideration of the bill and amendment, the hour of one o'clock having arrived the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of 3 o'clock having arrived, the House reconvened.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill,

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

And pending amendment offered by Mr. Sparks.

And the amendment offered by Mr. Sparks was adopted.

Yeas, 71; Nays, 0.

*Yeas:**Messrs:*

Speaker	Ellis (Bullock)	Jordan	Reynolds
Adams	Ellis (Elmore)	Lawson	Robertson
Albright	Faulk	Lee (Butler)	Ross
Alexander	Fletcher	Lee (Perry)	Russell
Allen	Gilbert	Long (Butler)	Shaw
Andrews	Gilbreath	Long (Sumter)	Smith
Arnold	Graham	Longshore	Sparks
Austin	Green	Matthews (Wilcox)	Stewart
Baker	Guy	Milford	Tompkins
Barganier	Hall	Mitchell	Trammell
Blunt	Hale	Moorer	Truss
Bracken	Hare	Murphree	Van de Graaff
Calvert	Hollis	McDonald	Varner
Christian	Howle	Orr	Williams
Cliett	Ingram	Parker	Williamson
Collins	Jones (Escambia)	Partridge	Wilson
Dansby	Jones (Marengo)	Peters	Woodard
Deese	Johnson	Pittman	

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Mr. Baker offered the following amendment to the bill:

Amend section 1 of H. B. 45 by striking out the words "The governor may remove any appointed member at his pleasure with or without cause" and inserting in lieu thereof the following "The governor may for good cause remove any appointed member but the cause of said removal must be by the governor filed with the State highway engineer and recorded in the records of the State highway commission.

And the amendment was adopted.

Yeas, 75; Nays, 1.

*Yeas:**Messrs:*

Speaker	Collins	Jones (Marengo)	Pittman
Adams	Crump	Johnson	Reynolds
Albright	Dansby	Jordan	Robertson
Alexander	Deese	Lawson	Ross
Allen	Ellis (Bullock)	Lee (Butler)	Russell
Andrews	Ellis (Elmore)	Lee (Perry)	Smith
Arnold	Faulk	Long (Butler)	Sparks
Austin	Fuller	Long (Sumter)	Stewart
Baker	Gilbert	Longshore	Tompkins
Barganier	Gilbreath	Matthews (Wilcox)	Trammell
Blunt	Graham	Milford	Truss
Bracken	Guy	Mitchell	Tunstall
Calvert	Hall	Moorer	Van de Graaff
Carnley	Hare	Murphree	Varner
Christian	Harrison	McDonald	Williams
Christopher	Hollis	Orr	Williamson
Clayton	Howle	Parker	Wilson
Cliett	Ingram	Partridge	Woodard
Cobbs	Jones (Escambia)	Peters	

—75

Nays: Mr. Green.—1.

Mr. Carnley offered the following amendment to the bill:

"Amend section 1 of H. B. 45 by striking out the words "to be appointed by the governor," and inserting the words in lieu thereof the words as follows: "to be elected by the qualified electors."

On motion of Mr. Orr the amendment offered by Mr. Carnley was laid upon the table.

Mr. Faulk offered the following amendment to the bill:

Amend the bill by adding a new section which shall be numbered section 251½, and shall read as follows:

Section 251½. That the court of county commissioners or like governing body of each county shall designate the project or projects that come within the required stipulations of the different laws by being roads that connect county seats or other roads permitted to be built that shall be built in each county, and said court shall designate the general route to be followed by said roads. And said court shall have the right and duty to designate which bridge or bridges shall be built under the terms of this act.

On motion of Mr. Orr, the amendment offered by Mr. Faulk was laid upon the table.

Mr. Clayton offered the following amendment to the bill:

"Amend by inserting after the word "State" in line 22 of printed bill on page six the following: "Provided that they must provide a way for the public to travel." And the amendment was adopted.

Yeas, 43; Nays, 33.

Yeas:

Messrs:			
Albright	Ellis (Bullock)	Howle	Parker
Alexander	Ellis (Elmore)	Johnson	Russell
Andrews	Faulk	Jordan	Smith
Barganier	Fuller	Lawson	Sparks
Blunt	Graham	Lee (Butler)	Stewart
Burleson	Guy	Lee (Perry)	Tompkins
Calvert	Hall	Long (Butler)	Tunstall
Christian	Hale	Longshore	Williamson
Clayton	Harrison	Matthews (Wilcox)	Wilson
Cobbs	Hawkins	Moorer	Woodard
Edwards (Pike)	Hollis	McDonald	

—43

Nays:

Messrs:			
Speaker	Crump	Ingram	Peters
Adams	Dansby	Jones (Escambia)	Pittman
Allen	Deese	Jones (Marengo)	Robertson
Arnold	Fletcher	Long (Sumter)	Shaw
Austin	Gilbert	Milford	Trammell
Baker	Gilbreath	Murphree	Van de Graaff
Bracken	Green	Orr	Varner
Cliett	Hare	Partridge	Williams
Collins			

—33

Mr. Long of Butler offered the following amendment to the bill:

"Add Sec. 25½. That the court of county commissioners or boards of revenue shall have an equal right with the state highway commission in designating routes where practicable."

And the amendment was lost.

Yeas, 26; Nays, 49.

Yeas:

Messrs:

Albright	Cobbs	Hall	Moorer
Alexander	Edwards (Pike)	Johnson	McDonald
Arnold	Ellis (Bullock)	Lawson	Parker
Blunt	Ellis (Elmore)	Lee (Butler)	Smith
Carnley	Faulk	Lee (Perry)	Tunstall
Christian	Graham	Long (Butler)	Williamson
Clayton	Guy		

—26

Nays:

Messrs:

Speaker	Fletcher	Jones (Escambia)	Russell
Allen	Fuller	Jordan	Shaw
Andrews	Gilbert	Long (Sumter)	Sparks
Austin	Gilbreath	Matthews (Wilcox)	Stewart
Baker	Green	Milford	Tompkins
Barganier	Hale	Mitchell	Trammell
Bracken	Hare	Murphree	Truss
Burleson	Harrison	Orr	Van de Graaff
Cliett	Hawkins	Partridge	Varnier
Collins	Hollis	Peters	Williams
Crump	Howle	Pittman	Wilson
Dansby	Ingram	Ross	Woodard
Deese			

—49

Mr. Stewart offered the following amendment to the bill:

"Amend Sec. 11 by adding after the word "State" where it occurs in the 21st, 22nd and 24th lines of printed bill on page 6 the following words "upon which State money may be expended or appropriated."

And the amendment was adopted.

Yeas, 72; Nays, 0.

Yeas:

Messrs:

Speaker	Carnley	Fuller	Johnson
Albright	Christian	Gilbreath	Jordan
Alexander	Clayton	Graham	Lawson
Allen	Cliett	Green	Lee (Butler)
Andrews	Cobbs	Guy	Lee (Perry)
Austin	Collins	Hall	Long (Butler)
Baker	Crump	Hale	Long (Sumter)
Barganier	Deese	Hare	Longshore
Blunt	Ellis (Bullock)	Hawkins	Matthews (Wilcox)
Bracken	Ellis (Elmore)	Howle	Milford
Burleson	Faulk	Ingram	Mitchell
Calvert	Fletcher	Jones (Escambia)	Moorer

Murphree	Pittman	Smith	Van de Graaff
McDonald	Robertson	Sparks	Varner
Orr	Ross	Stewart	Williams
Parker	Russell	Tompkins	Williamson
Partridge	Seale	Trammell	Wilson
Peters	Shaw	Truss	Woodard

—72

Mr. Baker offered the following amendment to the bill:

Amend section 13 of H. B. 45 by striking out the following words, "If it deems best the commission may condition said appropriation upon the appropriation by the county for said work of an amount fixed by the commission which shall be paid into the State treasury to the credit of the State highway fund before the work begins.

On motion of Mr. Orr the amendment offered by Mr. Baker was laid upon the table.

And the bill:

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

As amended, was read a third time at length and passed.

Yeas, 55; Nays, 17.

Yeas:

Messrs:

Speaker	Crump	Jordan	Ross
Allen	Deese	Lee (Butler)	Russell
Andrews	Fletcher	Long (Sumter)	Seale
Austin	Fuller	Matthews (Wilcox)	Smith
Baker	Gilbert	Milford	Sparks
Barganier	Gilbreath	Mitchell	Stewart
Blunt	Green	Moorer	Tompkins
Bracken	Hale	Murphree	Truss
Burleson	Hare	McDonald	Tunstall
Calvert	Hawkins	Orr	Varner
Christian	Hollis	Parker	Williams
Cliett	Howle	Partridge	Wilson
Cobbs	Ingram	Peters	Woodard
Collins	Jones (Escambia)	Pittman	

—55

Nays:

Messrs:

Albright	Ellis (Elmore)	Johnson	Longshore
Carnley	Graham	Lawson	Trammell
Clayton	Guy	Lee (Perry)	Van de Graaff
Edwards (Pike)	Hall	Long (Butler)	Williamson
Ellis (Bullock)			

—17

PAIRS ANNOUNCED.

The following pairs were announced:

Mr. Alexander stated that he was paired with Mr. Arnold. If Mr. Arnold were present he would vote yea and Mr. Alexander would vote nay.

Mr. Faulk was paired with Mr. Dansby. If Mr. Dansby were present he would vote yea and Mr. Faulk would vote nay.

ADJOURNMENT.

On motion of Mr. Tompkins the House adjourned until tomorrow morning at 10:30 a. m.

EIGHTH DAY.

House of Representatives,
Thursday, October 13th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. C. R. Hide of Chattanooga, Tenn.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Yeas:

Messrs:

Speaker	Deese	Ingram	Peters
Adams	Downs	Jones (Escambia)	Pittman
Albright	Edwards (Pike)	Johnson	Preston
Allen	Ellis (Bullock)	Lawson	Ross
Arnold	Faulk	Lee (Perry)	Russell
Baker	Fletcher	Long (Butler)	Smith
Blunt	Fuller	Long (Sumter)	Sparks
Bracken	Gilbert	Matthews (Wilcox)	Stewart
Calvert	Gilbreath	Milford	Tompkins
Carnley	Graham	Mitchell	Truss
Christian	Green	Moorer	Tunstall
Christopher	Guy	Murphree	Van de Graaff
Clayton	Hall	McDonald	Varner
Cliett	Hale	Oliver	Williamson
Cobbs	Hollis	Orr	Wilson
Collins	Holmes	Parker	Woodard
Crump	Howle	Partridge	

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the Seventh day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the seventh day was approved.

REPORT OF STANDING COMMITTEES.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Smith:

H. 78. To repeal an act entitled "An act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved Sept. 30, 1919.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Truss:

H. 58. To amend section 122 of the Constitution of Alabama as to the calling of special, or extraordinary, sessions of the Legislature so as to allow two-thirds of the number of the duly elected members to call the Legislature into special, or extraordinary, session.

The above and foregoing bills were severally read a second time and placed on the calendar.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Tompkins:

H. 85. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

Revision of Laws.

By Mr. Long of Sumter:

H. 86. To provide for the control, prevention and eradication of contagious and infectious diseases of honey bees, the inspection and certification of honey bees, combs and appliances being shipped into and out of this State, conferring authority on the commissioner of agriculture and industries to make and enforce rules and regulations in regard to same, authorizing said commissioner to enter certain premises for purposes of inspection, and to provide penalties for the violation thereof.

Agriculture.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted House Joint Resolution 21 relative to adjournment of the two houses until next Monday, October 17, at 2 p. m., and returns same herewith to the House.

W. F. Miller,
Secretary.

RESOLUTION.

The following resolutions were introduced:

By Mr. Carnley:

H. R. 23. Whereas, the American Veterans of the World War have organized a patriotic organization known as the American Legion, whose purposes are to preserve American in-

stitutions, foster the interests of American heroes of the late World War and keep alive the fires of liberty; and

Whereas, the governor of our sister republic of France did invite this great patriotic organization to send to France a delegation of its members, there to receive expressions of gratitude of a liberated people for the peace and security that were earned in part by the blood and sacrifice of the sons of America; and

Whereas, one of the members of the delegation to perform this honorable duty was a gallant and eloquent son of the Capitol City of Alabama, Honorable J. Lister Hill; and

Whereas, it would be a privilege for the members of this House to hear an address on the events of this great international tour and upon the economic and political conditions of France and other European countries; and

Whereas, the members of this House desire to recognize the great service of the American Legion in procuring this international tour and any other services to the nation and the world,

Now therefore be it resolved that this House do extend to Honorable J. Lister Hill an invitation to address this House at the hour of two o'clock on the next legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Carnley:

H. R. 24. Whereas very little progress is being made in legislative work by this House; and

Whereas in his message the governor neglected or was unable to give report as to financial condition of the State, the expenditures of different departments; and

Whereas, there are pending in the houses of the Legislature appropriation bills which will take money from the treasury; and

Whereas, there are appropriations to the common schools which have been made subject to the order of the governor that the same be released when the condition of the treasury would permit; and

Whereas, said appropriations have not been released, and their release is a matter of general interest to the members of this House; and

Whereas, the reports of the different departments of the State government for the fiscal year ending September 30 last have not been completed and printed as to be available; and

Whereas, the time that is being lost could not be more wisely expended and used than in procuring that information in regard to the conduct of the State government, the expenditures for different departments and the needs of such departments;

Now therefore be it resolved by the House of Representatives:

That beginning on the next legislative day at 10 o'clock and lasting till 1 o'clock, or longer at the pleasure of the House this House on each day for three days do go into Committee of the Whole House and summon before it and hear testimony of the heads of different State departments as to expenditures, expenses, salaries, buildings and other financial matters, and that the State treasurer, attorney general, auditor, warden general of convict department, president of board of control, superintendent of education and other officers be called to testify before said committee of the Whole House.

And the resolution was referred to the Standing Committee on Rules.

RECOMMITTAL OF BILL.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, returned to the House, S. B. 29 with the request that the same be referred to the Standing Committee on Game, Fish and Forestry Preservation and the bill:

By Mr. Craft:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama. To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Was referred to the Standing Committee on Game, Fish and Forestry Preservation.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that they have examined the following House bills, and find same correct:

H. 45. To provide further for the construction, repair, and maintenance of the public roads, bridges, and highways in this State.

G. W. Salter, Jr.,
Chairman.

The report of the Committee on Engrossed Bills was concurred in and adopted.

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until Monday, Oct. 17th, at 2 p. m.

NINTH DAY.

House of Representatives,
Monday, October 17th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. H. S. Spraggins of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Cobbs	Jones (Marengo)	Ross
Adams	Collins	Johnson	Russell
Albright	Crump	Lawson	Salter
Alexander	Downs	Lee (Butler)	Seale
Allen	Edwards (Pike)	Lee (Perry)	Shaw
Austin	Ellis (Bullock)	Long (Butler)	Smith
Baker	Ellis (Elmore)	Matthews (Wileox)	Sparks
Barganier	Fuller	Mitchell	Stewart
Benners	Graham	Moorer	Tompkins
Blunt	Green	Murphree	Trammell
Bracken	Guy	McDonald	Truss
Burleson	Hawkins	Orr	Tunstall
Carnley	Hollis	Parker	Van de Graaff
Christian	Howle	Partridge	Waddell
Clayton	Ingram	Pittman	Williamson
Cliett	Jones (Escambia)	Preston	Wilson

A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report.

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the eighth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the eighth day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Hale, Milford, Woodard and Williams for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted H. J. R. 10 relative to the disarmament of the principal nations of the world.

And returns same herewith to the House.

W. F. Miller,
Secretary.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Mitchell:

H. 87. To provide for the election of county superintendents of education in the several counties in the State, to fix their terms of office, to fix their qualifications and to provide for filling vacancies in office occurring between elections.

Revision of Laws.

By Mr. Mitchell:

H. 88. To provide for the record of soldiers' and sailors' discharges and other papers in the offices of the probate judges of the several counties.

Pensions and Soldiers Homes.

By Mr. Murphree:

H. 89. To amend sub-division (h) of section 2 of the act entitled "An act to provide for the general revenue of the State of Alabama," approved on the 15th day of September, 1919.

Ways, Means and Appropriations.

By Mr. Fuller:

H. 90. To amend section 4881 of the civil code of Alabama.

Revision of Laws.

By Mr. Fuller:

H. 91. To amend section 4891 of the Civil Code of Alabama.
Revision of Laws.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that application will be made at a called term or regular term of the Legislature of Alabama for the enactment of the following law, to-wit:

To transfer all moneys from the Fine and Forfeiture Fund of Calhoun county, Alabama, to the General Fund of said county and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture of said county to the general fund.

Be it enacted by the Legislature of Alabama:

Section 1. That all moneys in excess of \$2,000.00 in the fine and forfeiture fund of Calhoun county, Alabama, on the approval of this act be and the same are hereby transferred to the general fund of said county, and the president of the court of county commissioners of said county is hereby authorized and directed to draw a warrant covering the entire fine and forfeiture fund in excess of \$2,000.00 of said county, transferring the same from the fine and forfeiture to the general fund.

Section 2. That the president of the commissioners court of said county shall have authority, after the approval of this act, to transfer from time to time according to his discretion, all moneys that may accumulate in the fine and forfeiture fund of said county to the general fund of said county.

Section 3. That this act shall be effective on its approval by the governor.

The State of Alabama, }
Calhoun County. }

Before me, Clara B. Wright, a notary public in and for said State and county, personally appeared Patti B. Haynes, secretary to the publisher of the Anniston Star, a daily newspaper published in said county of Calhoun, who being by me duly sworn, deposes and says that the notice of application for the enactment of a certain law, by the Legislature of Alabama at its next session, a copy of which is hereto attached, appeared in said paper for four consecutive weeks, to-wit: on the 18th and 25th of August, and the 1st and 8th of September, 1921, as required by law in such cases.

Patti Haynes,
Secretary to the Publisher of the Star.
Sworn to and subscribed before me this 29th day of September, 1921.

(Seal)

Clara B. Wright,
Notary Public.

Also:

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL LAW

State of Alabama, }
Talladega County. }

To Whom It May Concern:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the special session thereof soon to convene, and of the intention to have said bill passed and enacted at said session, the substance, essential and material parts thereof, and the bill in full as part of this notice being as follows:

"AN ACT"

To provide for a judge of the county court of Talladega county, Alabama, fix his compensation and to provide for the payment of the same.

Be it enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this act the judge of probate of Talladega county, Alabama, shall be ex-officio judge of the county court, and shall be paid out of the county treasury an annual salary of nine hundred (\$900.00) dollars, which shall be in lieu of all fees and compensation allowed by law to such judge for services rendered in and about such county court, the payment of such salary to be by warrant of such judge drawn on the treasurer of the county on the first of each month."

The State of Alabama, }
Talladega County. }

Personally appeared before me, E. A. Hammett, judge of probate in and for said county, Luther Fowler, who being duly sworn according to law deposes and says that he is the editor of the Talladega Reporter, a newspaper published in said county and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for four weeks consecutively, to-wit, in the issues thereof dated as follows: August 4th, 1921; August 11th, 1921; August 18th, 1921; and August 25th, 1921.

Luther Fowler.

Subscribed and sworn to before me this 3rd day of October, 1921.

E. A. Hammett,
Judge of Probate.

Also:

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

With notice and proof thereto attached and herewith exhibited as follows:

PROOF OF PUBLICATION.

Notice of intention to apply for repeal of Henry County Road and Bridge Law.

Notice is hereby given of intention to make application to the next session of the Legislature of Alabama for repeal of the following local act for the county of Henry in said State, to-wit:

AN ACT

To repeal an act entitled an act "To further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Be it enacted by the Legislature of Alabama:

Sec. 1. That an act entitled an act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita tax in lieu of road and bridges service, and levy and collect a vehicle tax and to provide penalty for violation of and failures to comply with provisions created under authority of this act," approved September 10th, 1919, pages 100 to 101 of the Local Acts of Alabama of 1919, be and the same is hereby repealed.

J. B. Espy.

State of Alabama, }
Henry County. }

Before me, H. W. Owens, judge of probate in and for said county, in said State, personally appeared before me, this date, the undersigned H. H. Golson, who is known to me, and known to be a credible person, and who on oath to whom same is duly administered, deposes and says, as follows:

That he is editor and proprietor of the Abbeville Herald, a newspaper published weekly in the town of Abbeville in said county and State, and,

That a clipping from said paper as pasted hereto above, is a true and correct copy of "Notice of Intention to Apply for Repeal of Henry County Road and Bridge Law" as the same was published for four consecutive weeks in said paper, on dates, to-wit: September 8th, 15th, 22nd, and 29th, 1921.

H. H. Golson.

Sworn and subscribed to before me, this the 29th day of September, 1921.

H. W. Owens,
Judge Probate.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing messages from the Senate, were severall read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 3, S. 10, S. 35.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919.

With notice and proof hereto attached and herewith exhibited as follows:

Notice is hereby given that a bill will be introduced in the Legislature of Alabama to amend an act entitled an act to establish a board of revenue for Sumter county and for the abolishment of the court of county commissioners of said county, so as to increase the members from five to seven, one of whom shall be the president and shall be elected from the county at large; the associate member to be elected by the qualified electors of his precinct; so as to divide the county into districts; to provide for the election of the members and prescribe their term of office.

The State of Alabama, }
Sumter County. }

Before me, W. W. Patton, a notary public in and for said State and county, personally came W. H. Lawrence, who being first duly sworn, deposes and says:

That he is the publisher of "Our Southern Home," a weekly newspaper published at Livingston, in Sumter county, Alabama; that the attached notice was published once a week for four consecutive weeks in said paper, having been published in the issues of July 13th, July 20th, July 27th, and August 3rd, 1921, without cost to the State.

W. H. Lawrence.

Sworn to and subscribed before me this the 28th day of September, 1921.

(Seal)

W. W. Patton,
Notary Public, Sumter County, Ala.

Also:

S. 47. For the relief of P. B. Jarman of Sumter county, authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

With notice and proof attached thereto and herewith exhibited as follows:

Notice is hereby given, as provided by law, that a bill will be introduced in the special session of the Legislature for the relief of P. B. Jarman, of Sumter county, the substance of same being as follows, viz.: Authorizing the county depository of Sumter county to pay P. B. Jarman \$206.65 with interest thereon, for a warrant for said sum issued on February 9, 1914, for services rendered by the said P. B. Jarman, payment of same having been refused by the county treasurer of said county, for the reason that the account was not filed within twelve months from the performance of said service.

The State of Alabama, }
 Sumter County. }

I, W. H. Lawrence, editor and proprietor of "Our Southern Home," a newspaper, published in Livingston, Alabama, Sumter county, hereby certify that the attached notice was duly published in "Our Southern Home" on the following dates, to-wit: August 3, August 10, August 17, and August 24, 1921.

Given under my hand this the 30th day of September, 1921.

W. H. Lawrence,
 Editor and Owner of "Our Southern Home."

Sworn and subscribed before me this the 30th day of August, 1921.

(Seal)

M. C. Jarman,
 Notary Public.
 W. F. Miller,
 Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Local Legislation, S. 53, S. 47.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings or structures for the said Training School for Girls.

W. F. Miller,
 Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Ways, Means and Appropriations, S. 19.

RESOLUTION.

The following resolution was introduced:

By Rules Committee:

H. R. 25. Resolved that House bills Nos. 67 and 30, shall be the special paramount order of business for Tuesday, said bills to be considered after the disposition of H. 44.

And the resolution was adopted.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Standing Committee on Rules, returned to the House, H. R. 23, relative to Hon. J. Lister Hill, addressing the House, with a favorable report. The rules were suspended and the resolution was adopted.

The Speaker named Messrs. Carnley, Fuller and Barganier as committee to notify Mr. Hill.

Mr. Hill appeared and addressed the members of the House.

INVITATION TO THE MEMBERS OF THE LEGISLATURE.

The following communication was read by the Clerk:

October 13, 1921.

The Legislature of Alabama,
Montgomery, Ala.

Gentlemen:

By the direction of our executive committee, I take a great deal of pleasure in extending to you a cordial invitation to attend our semi-centennial at any time that may suit your convenience, during the week—October 24-29.

We would especially be glad for you to attend in a body on the President's Day, Wednesday, October 26. We would appreciate your being in the parade, if you wish, and you will have an opportunity to hear the President's address at Capitol Park, attend the luncheon in his honor at 1:00 P. M., at the Tutwiler Hotel, attend our fashion show in the afternoon, and our pageant at night. We would be glad to furnish without expense to you tickets to the luncheon, the fashion show, and the pageant. The day will be filled with other interesting events. The President will receive the honor of a LL. D. degree from the Birmingham-Southern College and will also participate in the function of laying the corner stone of the new Masonic building. At both places he will make addresses, as well as at the luncheon and Capitol Park.

We trust that you will come and help us to make this celebration, not only worthy of Birmingham, but also of our State.

Yours very sincerely,
Sydney J. Bowie,
General Chairman.

RESOLUTION.

The following resolution was introduced:

By Mr. Benners:

H. J. R. 26. Be it resolved by the House, the Senate concurring, that the two houses accept the attached invitation of the Birmingham Semi-Centennial Committee to visit Birmingham on President's Day, October 26th, 1921, and that the two houses adjourn that day for the purpose of such visit for such hours as may be agreed upon:

On motion of Mr. Benners the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committees as follows:

Ways, Means and Appropriations, S. 44.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted H. J. R. 26 relative to accepting the invitation of the Birmingham Semi-Centennial Committee to be present on Harding Day, October 26, and returns same herewith to the House.

W. F. Miller,
Secretary.

MOTION TO RECOMMIT BILL.

Mr. Ross moved to recall the bill, S. 29, from the Standing Committee on Game, Fish and Forestry Preservation and recommit the same to the Standing Committee on Judiciary.

On motion of Mr. Cobbs, the motion of Mr. Ross was laid upon the table.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

Also:

S. 60. To amend section 3026 of the Code of Alabama.

Also:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now au-

thorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns, and municipalities, and the inhabitants thereof; and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Ways, Means and Appropriations, S 52.
Revision of Laws, S. 60, S. 11.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate Bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Agriculture, S. 15.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 49. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 49.

Revision of Laws, S. 37.

BILLS ON THIRD READING

H. 19. To appropriate twenty-five thousand dollars (\$25,000.00) for defraying the expenses of the Legislature.

Was taken up. Mr. Green offered the following amendment to the bill.

Amend said bill and caption by striking out the figures \$25,000.00 and insert in lieu therefor the figures \$50,000.00.

And the amendment was adopted.

Yeas, 58; Nays, 1.

Yeas:

Messrs:

Speaker	Downs	Long (Butler)	Russell
Adams	Ellis (Bullock)	Matthews (Wilcox)	Salter
Albright	Ellis (Elmore)	Mitchell	Seale
Allen	Fuller	Moorer	Shaw
Andrews	Graham	Murphree	Smith
Austin	Green	McDonald	Stewart
Baker	Guy	Oliver	Tompkins
Barganier	Hawkins	Orr	Truss
Blunt	Hollis	Parker	Tunstall
Bracken	Howle	Partridge	Van de Graaff
Burleson	Ingram	Pittman	Varner
Cliett	Jones (Escambia)	Preston	Waddell
Cobbs	Jones (Marengo)	Robertson	Williamson
Collins	Lawson	Rose	Wilson
Crump	Lee (Butler)		

—58.

Nays:

Mr. Carnley—1.

And the bill,

H. 19. To appropriate twenty-five thousand dollars \$25,000.00) for defraying the expenses of the Legislature.

As amended, was read a third time at length and passed.

Yeas, 58; Nays, 0.

Yeas:

Messrs:

Speaker	Crump	Long (Butler)	Russell
Adams	Downs	Matthews (Wilcox)	Salter
Albright	Ellis (Bullock)	Mitchell	Seale
Allen	Ellis (Elmore)	Moorer	Shaw
Andrews	Graham	Murphree	Smith
Austin	Green	McDonald	Stewart
Baker	Guy	Oliver	Tompkins
Blunt	Hollis	Orr	Truss
Bracken	Howle	Parker	Tunstall
Burleson	Ingram	Partridge	Van de Graaff
Carnley	Jones (Escambia)	Pittman	Varner
Clayton	Jones (Marengo)	Preston	Waddell
Cliett	Johnson	Robertson	Williamson
Cobbs	Lawson	Ross	Wilson
Collins	Lee (Butler)		

—58

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Was read a third time at length and passed.

Yeas, 50; Nays, 4.

Yeas:

Messrs:

Speaker	Crump	Johnson	Pittman
Albright	Downs	Lawson	Preston
Allen	Ellis (Bullock)	Lee (Butler)	Ross
Austin	Ellis (Elmore)	Long (Butler)	Russell
Blunt	Fuller	Matthews (Wilcox)	Salter
Bracken	Graham	Mitchell	Seale
Burleson	Green	Moorer	Sparks
Carnley	Guy	Murphree	Tompkins
Christian	Hawkins	McDonald	Trammell
Clayton	Hollis	Oliver	Truss
Cliett	Ingram	Parker	Williamson
Cobbs	Jones (Escambia)	Partridge	Wilson
Collins	Jones (Marengo)		

—50

Nays:

Messrs:

Andrews	Van de Graaff	Varner	Waddell
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—4

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Was read a third time at length and passed.

Yeas, 54; Nays, 3.

Yeas:

Messrs:			
Speaker	Cliett	Jones (Escambia)	Robertson
Adams	Cobbs	Jones (Marengo)	Ross
Albright	Collins	Johnson	Russell
Allen	Crump	Lawson	Salter
Andrews	Downs	Lee (Butler)	Seale
Austin	Ellis (Bullock)	Matthews (Wilcox)	Smith
Baker	Ellis (Elmore)	Mitchell	Sparks
Barganier	Fuller	McDonald	Tompkins
Blunt	Graham	Oliver	Trammell
Bracken	Green	Parker	Truss
Burleson	Guy	Partridge	Tunstall
Carnley	Hawkins	Pittman	Williamson
Christian	Hollis	Preston	Wilson
Clayton	Ingram		

—54

Nays:

Messrs:			
Van de Graaff	Varner	Waddell	—3

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Was read a third time at length and passed.

Yeas, 54; Nays, 5.

Yeas:

Messrs:			
Speaker	Cobbs	Lawson	Ross
Adams	Collins	Lee (Butler)	Russell
Albright	Crump	Long (Butler)	Salter
Allen	Downs	Matthews (Wilcox)	Seale
Andrews	Ellis (Elmore)	Mitchell	Sparks
Austin	Fuller	McDonald	Stewart
Barganier	Graham	Oliver	Tompkins
Benners	Green	Orr	Trammell
Blunt	Hawkins	Parker	Truss
Bracken	Hollis	Partridge	Tunstall
Burleson	Ingram	Pittman	Varner
Carnley	Jones (Escambia)	Preston	Williamson
Clayton	Jones (Marengo)	Robertson	Wilson
Cliett	Johnson		

—54

Nays:

Messrs:			
Christian	Smith	Van de Graaff	Waddell
Guy			—5

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Was read a third time at length and passed.
Yeas, 54; Nays, 3.

Yeas:

Messrs:

Speaker	Cliett	Lawson	Ross
Adams	Cobbs	Lee (Butler)	Russell
Albright	Collins	Long (Butler)	Salter
Allen	Crump	Matthews (Wilcox)	Seale
Andrews	Downs	Mitchell	Smith
Austin	Ellis (Elmore)	McDonald	Sparks
Baker	Fuller	Oliver	Tompkins
Barganier	Green	Orr	Trammell
Benners	Guy	Parker	Truss
Blunt	Hollis	Partridge	Tunstall
Bracken	Ingram	Pittman	Varner
Burleson	Jones (Escambia)	Preston	Williamson
Carnley	Jones (Marengo)	Robertson	Wilson
Clayton	Johnson		

—54

Nays:

Messrs:

Graham	Van de Graaff	Waddell
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—3

H. 78. To repeal an act entitled "An act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this Institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved Sept. 30, 1919.

Was read a third time at length and passed.
Yeas, 51; Nays, 13.

Yeas:

Messrs:

Albright	Benners	Clayton	Ellis (Bullock)
Allen	Blunt	Cobbs	Ellis (Elmore)
Andrews	Burleson	Collins	Fuller
Baker	Carnley	Dansby	Graham
Barganier	Christian	Downs	Guy

Hawkins	Lee (Perry)	Robertson	Trammell
Hollis	Long (Butler)	Ross	Truss
Howle	Mitchell	Russell	Tunstall
Ingram	McDonald	Salter	Van de Graaff
Jones (Escambia)	Oliver	Smith	Varner
Jones (Marengo)	Parker	Sparks	Williamson
Johnson	Pittman	Stewart	Wilson
Lawson	Preston	Tompkins	—51

*Nays:**Messrs:*

Speaker	Cliett	Lee (Butler)	Partridge
Adams	Crump	Matthews (Wilcox)	Seale
Austin	Green	Orr	Waddell
Bracken			—13

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until tomorrow morning at 10:30 o'clock.

TENTH DAY.

House of Representatives,
Tuesday, October 18th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. D. W. Haskew of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Speaker	Christian	Faulk	Howle
Adams	Christopher	Fite	Ingram
Albright	Clayton	Fletcher	Jones (Escambia)
Alexander	Cliett	Fuller	Jones (Marengo)
Allen	Cobbs	Gilbert	Johnson
Andrews	Collins	Graham	Jordan
Arnold	Crump	Green	Lawson
Austin	Dansby	Guy	Lee (Butler)
Baker	Deese	Hall	Lee (Perry)
Barganier	Dodson	Hale	Long (Butler)
Benners	Downs	Hare	Long (Sumter)
Blunt	Dunaway	Harrison	Matthews (Wilcox)
Bracken	Edwards (Dallas)	Hawkins	Milford
Calvert	Ellis (Bullock)	Hollis	Mitchell
Carnley	Ellis (Elmore)	Holmes	Moorer

Murphree	Pittman	Shaw	Tunstall
McDonald	Preston	Simpson	Van de Graaff
McLeod	Reynolds	Smith	Varner
Oakley	Robertson	Sparks	Waddell
Oliver	Ross	Stewart	Williams
Orr	Russell	Tompkins	Williamson
Parker	Salter	Trammell	Wilson
Partridge	Seale	Truss	Woodard
Peters			

A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the ninth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal of the ninth day was approved.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills beg leave to report that it has examined the following House bills, and finds same correct:

By Mr. Dunaway:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

Also:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Also:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Also:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Also:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

Geo. W. Salter, Jr.,
Chairman.

The report of the Standing Committee on Engrossed Bills was concurred in and adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Carnley:

H. 92. To provide for the printing and distribution of information by the State department of agriculture and industries, and providing for the payment of the expenses thereof.

Agriculture.

By Mr. Orr:

H. 93. To amend section 84 of an act entitled "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

Ways, Means and Appropriations.

By Mr. Waddell:

H. 94. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

Revision of Laws.

By Mr. Milford:

H. 95. To submit to the qualified voters of the State, at the general election to be held in November 1922, for their consideration, an amendment to the Constitution of the State, so as to authorize and empower the Legislature from time to time by general or local law to fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer in the State, either before or after his or her election, including the method or basis of their compensation.

Judiciary.

REPORT OF STANDING COMMITTEES.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with favorable report with substitute:

H. 2 (with substitute). To provide for obtaining the opinion of the justices of the supreme court, or a majority thereof, by the governor or either house of the Legislature, upon important constitutional questions and on solemn occasions.

H. 20 (with substitute). To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with favorable report:

H. 37. To amend section 901 of the Code of Alabama.

H. 36. To amend section 900 of the Code of Alabama.

H. 32. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or

trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp, to provide an inspection fee on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

S. 49. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation:

H. 7. To repeal an act entitled "An act to fix the salaries of the several circuit judges of Alabama," known as Senate Bill 400 on page 691 of the General Acts of Alabama of 1919.

H. 8. To repeal an act entitled "An act to fix the salaries of the several judges of the court of appeals," known as Senate Bill No. 399 on page 265 of the General Acts of Alabama of 1919.

H. 9. To repeal an act entitled "An act to fix the salaries of the several justices of the supreme court," known as Senate Bill No. 398 on page 257 of the General Acts of Alabama of 1919.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House without recommendation with substitute:

H. 54 (with substitute). To repeal sections 2, 4 and 5 of an act of the Legislature of Alabama providing for the appointment of a fuel administrator and a salary for his services, approved October 2, 1920.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; fran-

chises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

H. 85. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Mr. Partridge, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Mr. Lawson, chairman of the Standing Committee on Pensions and Soldiers Homes, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 88. To provide for the record of soldiers' and sailors' discharges and other papers in the offices of the probate judges of the several counties.

Mr. Holmes, chairman of the Standing Committee on Game, Fish and Forestry Preservation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama." To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of "drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Mr. Arnold, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 79. To amend section 3026 of the Code of Alabama.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 90. To amend section 4881 of the Civil Code of Alabama.

H. 91. To amend section 4891 of the Civil Code of Alabama.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 4. To repeal an act entitled "An act to authorize the governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed and to provide compensation for their services," known as Senate bill 584 on page 808 of the General Acts of Alabama of 1919.

H. 13. To repeal an act entitled an act, "To authorize the governor to employ a special force to serve under his direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, to define the powers of persons employed on such special force and require each to give bond, and to provide compensation for their services," approved September 28, 1920.

H. 21. To provide for the examination of all moving pictures, motion picture films, reels, views or slides before they are permitted to be shown to the public, and to provide for the examination, approval, or rejection of the same by all incorporated cities and towns in Alabama, and to provide penalties for violations of said provisions.

H. 14. To repeal an act entitled an act, "To authorize the governor to employ a special force of not more than ten men to serve under his immediate direction and control, to assist him in his duty of taking care that the laws of the State are faithfully executed, and to provide compensation for their services," approved September 30, 1919.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 29. To provide further for the depositing and safekeeping of all funds and moneys of the county in the State or national banks; and to provide penalties for failure to perform and discharge the duties prescribed in this act.

H. 62. To prescribe qualifications and provide for the payment of salaries and compensation of deputy sheriffs, to provide for its enforcement and fix penalties for its violation.

H. 64. To repeal section 25 of an act entitled, "An act to fix the compensation of the several State executive officers, officers of departments and boards, subordinate officers, clerks, watchmen and capitol servants, approved September 30, 1919.

H. 66. For the relief and compensation of the constables of this State who have performed services outside of their respective precincts and in their respective counties under color of an act entitled "An act;" "For the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs run-

ning at large, except fox hounds and deer hounds wearing collars upon which the owner's names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit court clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State pasteur institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September the 30, 1919."

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 77. To amend section 2520 of the Code of Alabama of 1907.

H. 84. To abolish all sex limitations in eligibility to office.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee in session had acted on the following resolution and ordered the same returned to the House with an adverse report:

H. J. R. 6.—Relative to recess until vacancies in Legislature are filled.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution and ordered same sent to the House without engrossment:

By Mr. McDowell:

S. J. R. 25. Whereas, the Interstate Commerce Commission under authority claim to have been conferred upon it by the Transportation Act of 1920 has made orders advancing the railroad rates applicable to intrastate transportation in twenty-four states in disregard of state laws and orders of state commissions and has instituted investigations upon the petitions of carriers which are now in progress looking towards the advancing of railroad rates and express rates in several other states, and

Whereas, the Interstate Commerce Commission has attempted to make rates according to what is known as the Group Plan of rate making and have asserted the power under said plan to raise rates within one state to make deficits in earnings incurred in other states, and

Whereas, unjust and unreasonable rates have thereby been imposed upon the public, and

Whereas, the people of the several states under the Interstate Commerce Act as amended, as interpreted and administered by the Interstate Commerce Commission have been deprived of their accustomed powers of self-government:

Therefore, be it resolved by the Senate, the House concurring, that we urge upon Congress immediate legislation at the present session which shall so amend the Interstate Commerce Act as to make clear and absolute the right of the states to regulate rates and service applicable to transportation wholly within their own borders, and

Resolved further, that as an aid in the construction of the Interstate Commerce Act by the commission and the courts, Congress is requested to incorporate in such amendatory legislation a declaration of the purpose of Congress to recognize the right of the several states to exercise full and final jurisdiction over transportation wholly within their own borders.

Resolved further, that a copy of these resolutions be forwarded to each Senator and Congressman from Alabama.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Long of Butler, the House concurred in and adopted Senate Joint Resolution No. 25 which is set out in the above and foregoing message from the Senate.

RESOLUTION.

The following resolution was introduced:

By Mr. Austin:

H. J. R. 27. Be it resolved by the House, the Senate concurring, that:

Whereas, the development and utilization of the immense water power on the Tennessee river is among the most important matters now before the people of the United States, and will result in great benefit to the people of the United States and especially to all the people of Alabama; and whereas Henry Ford of the state of Michigan has made a proposition to the United States government to take over and complete the project undertaken by the United States government during the war to de-

velop and utilize this immense water power of the Tennessee river at Muscle Shoals, Alabama; and whereas, it is almost, if not quite, the universal opinion of the people of Alabama that Mr. Ford's proposition to take over and develop and utilize this power is both bona fide and feasible.

Therefore, be it resolved, that the Legislature of Alabama hereby memorializes the Congress of the United States and the war department thereof to accept the proposition of Mr. Ford and to authorize him by an act of Congress and by contract with the war department of the United States to take over the government's project at Muscle Shoals on the Tennessee river; and to develop and utilize the water power for the benefit of the people of the United States as may be provided for by the act of Congress and contract between Mr. Ford and the war department of the United States government.

Be it further resolved, that a copy of these resolutions be sent to each of the two houses of Congress, to the Secretary of the War Department, and to each of the Senators and Representatives of the State of Alabama.

On motion of Mr. Austin, the rules were suspended and the resolution was adopted.

SPECIAL ORDER.

The hour and date having arrived, for the consideration of the special order, the House proceeded to the consideration of the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature.

On motion of Mr. Long of Butler the vote by which the bill was ordered to a third reading was reconsidered.

Mr. Long of Butler offered the following amendment to the bill:

"Amend by striking out the words in the printed bill beginning with the word "not" line seven, page 2, and ending with the word "State" line 8, page 2, and insert in lieu thereof the words: "Not less than \$300,000.00 (three hundred thousand dol-

lars) of the bonds shall be set aside for use in each county and when said proceeds shall be expended by the highway commission in the county for which said bonds were set aside.

Mr. Long of Butler asked unanimous consent to withdraw his amendment. Consent was granted and the amendment was withdrawn.

Mr. Long of Butler offered the following amendment to the bill:

"Strike out the words one quarter of a million dollars where they appear in the bill and insert the words three hundred thousand dollars." And the amendment was adopted.

Yeas, 69; Nays, 25.

Yeas:

Messrs:

Speaker	Downs	Howle	Parker
Adams	Dunaway	Ingram	Partridge
Albright	Edwards (Dallas)	Jones (Escambia)	Peters
Alexander	Ellis (Bullock)	Johnson	Pittman
Allen	Ellis (Elmore)	Jordan	Reynolds
Andrews	Faulk	Lawson	Salter
Barganier	Fite	Lee (Butler)	Simpson
Carnley	Fuller	Lee (Perry)	Smith
Christian	Gilbert	Long (Butler)	Sparks
Christopher	Gilbreath	Matthews (Wilcox)	Stewart
Clayton	Graham	Milford	Tompkins
Cliett	Guy	Mitchell	Trammell
Cobbs	Hall	Moorer	Tunstall
Collins	Hale	McDonald	Waddell
Crump	Hawkins	McLeod	Williams
Dansby	Hollis	Oakley	Williamson
Deese	Holmes	Oliver	Wilson
Dodson			

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Nays:

Messrs:

Arnold	Calvert	Long (Sumter)	Seale
Austin	Fletcher	Murphree	Shaw
Baker	Green	Or-	Truss
Benners	Hare	Preston	Van de Graaff
Blunt	Harrison	Ross	Varnier
Bracken	Jones (Marengo)	Russell	Woodard
Burleson			

—25

And the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an

election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

As amended, was read a third time at length and passed.
Yeas, 71; Nays, 23.

Yeas:

Messrs:

Speaker	Deese	Jones (Escambia)	Reynolds
Adams	Downs	Jones (Marengo)	Ross
Allen	Dunaway	Jordan	Russell
Andrews	Edwards (Dallas)	Lawson	Salter
Arnold	Fite	Long (Sumter)	Seale
Austin	Fletcher	Matthews (Wilcox)	Shaw
Baker	Fuller	Milford	Smith
Barganier	Gilbert	Mitchell	Sparks
Benners	Gilbreath	Moorer	Stewart
Blunt	Green	Murphree	Tompkins
Bracken	Hale	McDonald	Truss
Calvert	Hare	Oakley	Tunstall
Christian	Harrison	Orr	Varner
Cliett	Hawkins	Parker	Waddell
Cobbs	Hollis	Partridge	Williams
Collins	Holmes	Peters	Wilson
Crump	Howle	Pittman	Woodard
Dansby	Ingram	Preston	

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Nays:

Messrs:

Albright	Dodson	Hall	Oliver
Alexander	Ellis (Bullock)	Johnson	Simpson
Burleson	Ellis (Elmore)	Lee (Butler)	Trammell
Carnley	Faulk	Lee (Perry)	Van de Graaff
Christopher	Graham	Long (Butler)	Williamson
Clayton	Guy	McLeod	

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On motion of Mr. Tunstall the bill was ordered sent forthwith to the Senate without engrossment.

RECESS.

The hour of one o'clock having arrived, under the rules, the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Murphree:

H. R. 28. Be it resolved that H. B. 56 be made a special paramount continuing order for the 11th legislative day immediately after the report of committees.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Orr:

H. R. 29. Resolved by the House that House Bill 46 be made a special continuing paramount order for immediately after the reading of the journal on the next legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Mitchell:

H. R. 30. Resolved, that House Bill 88 be made a special order for the next legislative day immediately after the report of Standing Committees.

And the resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate Bill, the title to which is set out in the above and foregoing message from the Senate, was read one time at length and referred to appropriate Standing Committee as follows:

Public Roads and Highways, S. 30.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended and as amended as therein shown has passed:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tompkins, the House concurred in and adopted the Senate amendment to the bill H. 22, said Senate amendment being as follows:

Amend said proposed amendment to the Constitution where it appears in sections one and three of the bill by striking out the words "from and after the twenty-ninth day of December, 1919, and shall qualify all persons who come within the protection of this amendment who were otherwise qualified electors except for the non-payment of poll tax to vote and hold office in this State from and after the twenty-ninth day of December, 1919 until Oct. first, 1923," so that said proposed amendment to the Constitution shall read as follows:

"Section 194½. No person who honorably served in the military or naval service of the United States between January 1, 1917, and November 11, 1918, shall be required to pay the poll tax mentioned in the Constitution of Alabama prior to October 1, 1923; such persons shall be exempt from the payment of all poll taxes which have or may hereafter accrue prior to October 1, 1923. This section shall be self executing and retroactive. The judges of probate shall issue certificates of exemption from

the payment of such poll taxes to the persons entitled thereto under such rules and regulations as may be prescribed by the Governor."

Yeas, 82; Nays, 0.

Yeas:

Messrs:

Speaker	Dodson	Ingram	Robertson
Albright	Downs	Jones (Escambia)	Ross
Alexander	Dunaway	Johnson	Russell
Allen	Ellis (Bullock)	Lawson	Salter
Andrews	Ellis (Elmore)	Lee (Butler)	Seale
Austin	Fite	Lee (Perry)	Simpson
Baker	Fletcher	Long (Butler)	Smith
Benners	Fuller	Matthews (Wilcox)	Sparks
Blunt	Gilbert	Milford	Stewart
Bracken	Gilbreath	Mitchell	Tompkins
Burleson	Graham	Moorer	Trammell
Calvert	Green	Murphree	Truss
Christian	Guy	McDonald	Tunstall
Christopher	Hall	Oakley	Van de Graaff
Clayton	Hale	Orr	Varner
Cliett	Hare	Partridge	Waddell
Cobbs	Harrison	Peters	Williams
Collins	Hawkins	Pittman	Williamson
Crump	Hollis	Preston	Wilson
Dansby	Holmes	Reynolds	Woodard
Deese	Howle		

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And the bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present Special Session of the Legislature.

Containing the proposed amendment, as amended by the Senate, was read again at length and passed.

Yeas, 82; Nays, 0.

Yeas:

Messrs:

Speaker	Bracken	Crump	Fletcher
Albright	Burleson	Dansby	Fuller
Alexander	Calvert	Deese	Gilbert
Allen	Christian	Dodson	Gilbreath
Andrews	Christopher	Downs	Graham
Austin	Clayton	Dunaway	Green
Baker	Cliett	Ellis (Bullock)	Guy
Benners	Cobbs	Ellis (Elmore)	Hall
Blunt	Collins	Fite	Hale

Hare	Long (Butler)	Preston	Tompkins
Harrison	Matthews (Wilcox)	Reynolds	Trammell
Hawkins	Milford	Robertson	Truss
Hollis	Mitchell	Ross	Tunstall
Holmes	Moorer	Russell	Van de Graaff
Howle	Murphree	Salter	Varner
Ingram	McDonald	Seale	Waddell
Jones (Escambia)	Oakley	Simpson	Williams
Johnson	Orr	Smith	Williamson
Lawson	Partridge	Sparks	Wilson
Lee (Butler)	Peters	Stewart	Woodard
Lee (Perry)	Pittman		

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BILL ON THIRD READING.

H. 67. To permit the manufacture and sale of cereal beverages.

Was taken up. Mr. Ross offered the following amendment to the bill:

Amend subsection (e) of section 3 of said bill by adding at the close of said subsection the following: "Such funds shall be apportioned as other school funds are now required to be apportioned by law."

And the amendment was adopted.

Yeas, 48; Nays, 38.

*Yeas:***Messrs:**

Speaker	Dodson	Hollis	Russell
Allen	Ellis (Elmore)	Holmes	Salter
Austin	Fite	Howle	Seale
Barganier	Fletcher	Johnson	Shaw
Benners	Fuller	Lawson	Simpson
Bracken	Gilbreath	Long (Butler)	Smith
Christopher	Green	Long (Sumter)	Sparks
Clayton	Guy	Mitchell	Truss
Cobbs	Hale	Murphree	Tunstall
Collins	Hare	Peters	Van de Graaff
Crump	Harrison	Robertson	Varner
Dansby	Hawkins	Ross	Waddell

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*Nays:***Messrs:**

Adams	Downs	Lee (Butler)	Pittman
Alexander	Dunaway	Matthews (Wilcox)	Preston
Andrews	Ellis (Bullock)	Milford	Reynolds
Baker	Faulk	Moorer	Stewart
Blunt	Gilbert	McDonald	Tompkins
Burleson	Graham	McLeod	Trammell
Calvert	Hall	Oakley	Williams
Christian	Ingram	Orr	Williamson
Cliett	Jones (Escambia)	Partridge	Wilson
Deese	Jones (Marengo)		

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Mr. Ross offered the following amendment to the bill:

"Further amend said bill by adding the following section. Section 7. This act shall become effective upon its passage and approval by the governor."

And the amendment was lost.

Yeas, 42; Nays, 48.

Yeas:

Messrs:

Albright	Ellis (Elmore)	Hollis	Seale
Allen	Fite	Holmes	Shaw
Barganier	Fletcher	Johnson	Simpson
Benners	Fuller	Long (Butler)	Smith
Bracken	Gilbreath	Long (Sumter)	Sparks
Clayton	Green	Mitchell	Truss
Cobbs	Guy	Peters	Tunstall
Collins	Hale	Ross	Van de Graaff
Crump	Hare	Russell	Waddell
Dodson	Harrison	Salter	Williamson
Downs	Hawkins		

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Nays:

Messrs:

Speaker	Christopher	Jones (Escambia)	Orr
Adams	Cliett	Jones (Marengo)	Partridge
Alexander	Deese	Lawson	Pittman
Andrews	Dunaway	Lee (Butler)	Preston
Arnold	Edwards (Dallas)	Lee (Perry)	Reynolds
Austin	Ellis (Bullock)	Matthews (Wileox)	Robertson
Baker	Faulk	Milford	Stewart
Blunt	Gilbert	Moorer	Tompkins
Burleson	Graham	Murphree	Trammell
Calvert	Hall	McDonald	Varner
Carnley	Howle	McLeod	Williams
Christian	Ingram	Oakley	Wilson

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Mr. Green offered the following amendment to the bill:

Amend section 5 of said act so as to read as follows to-wit:

"Section 5. Any person, firm or corporation violating any of the provisions of this act, whether acting in his, their, or its own behalf or in behalf of or as agent for another, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than one hundred nor more than five hundred dollars, and shall also be excluded from the license privilege under this act after such conviction." And no person so convicted shall thereafter engage in or be employed by any person who may then or thereafter be engaged in such business.

And the amendment was adopted.

Yeas, 49; Nays, 42.

Yeas:

Messrs:

Albright	Austin	Clayton	Dodson
Alexander	Barganier	Cobbs	Downs
Allen	Benners	Collins	Ellis (Elmore)
Andrews	Bracken	Crump	Fite

Fletcher	Holmes	Oliver	Shaw
Fuller	Johnson	Parker	Simpson
Gilbreath	Jordan	Peters	Smith
Green	Lee (Perry)	Robertson	Sparks
Hale	Long (Butler)	Ross	Truss
Hare	Long (Sumter)	Russell	Tunstall
Harrison	Mitchell	Salter	Van de Graaff
Hawkins	Murphree	Seale	Waddell
Hollis			

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Nays:

Messrs:

Speaker	Dunaway	Lawson	Pittman
Adams	Ellis (Bullock)	Lee (Butler)	Preston
Arnold	Faulk	Matthews (Wilcox)	Reynolds
Baker	Gilbert	Milford	Stewart
Blunt	Graham	Moorer	Tompkins
Burleson	Guy	McDonald	Trammell
Calvert	Hall	McLeod	Varner
Carnley	Howle	Oakley	Williams
Christian	Ingram	Orr	Williamson
Cliett	Jones (Escambia)	Partridge	Wilson
Deese	Jones (Marengo)		

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And the bill:

H. 67. To permit the manufacture and sale of cereal beverages.

As amended, was read a third time at length and lost.

Yeas, 39; Nays, 51.

Yeas:

Messrs:

Albright	Fite	Hollis	Russell
Barganier	Fletcher	Holmes	Salter
Benners	Fuller	Johnson	Shaw
Bracken	Gilbreath	Long (Butler)	Simpson
Clayton	Green	Long (Sumter)	Smith
Cobbs	Guy	Mitchell	Sparks
Collins	Hale	Oliver	Truss
Dodson	Hare	Parker	Tunstall
Downs	Harrison	Peters	Van de Graaff
Ellis (Elmore)	Hawkins	Ross	

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Nays:

Messrs:

Speaker	Cliett	Jordan	Preston
Adams	Crump	Lawson	Reynolds
Alexander	Deese	Lee (Butler)	Seale
Allen	Dunaway	Lee (Perry)	Stewart
Andrews	Ellis (Bullock)	Matthews (Wilcox)	Tompkins
Arnold	Faulk	Milford	Trammell
Austin	Gilbert	Moorer	Varner
Baker	Graham	Murphree	Waddell
Blunt	Hall	McLeod	Williams
Burleson	Howle	Oakley	Williamson
Calvert	Ingram	Orr	Wilson
Carnley	Jones (Escambia)	Partridge	Woodard
Christian	Jones (Marengo)	Pittman	

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PAIR ANNOUNCED.

Mr. McDonald announced that he was paired with Mr. Longshore. If Mr. Longshore were present he would vote yea and Mr. McDonald would vote nay.

Mr. Baker moved to reconsider the vote by which the bill was lost and on motion of Mr. Tompkins the motion to reconsider was laid upon the table.

ADJOURNMENT.

On motion of Mr. Long of Butler the House adjourned until 10:30 tomorrow morning.

ELEVENTH DAY.

House of Representatives,
Wednesday, October 19th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. H. L. Tate of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Deese	Holmes	Peters
Albright	Dodson	Howle	Pittman
Alexander	Dunaway	Ingram	Ross
Allen	Edwards (Dallas)	Jones (Marengo)	Russell
Andrews	Edwards (Pike)	Johnson	Smith
Baker	Ellis (Bullock)	Lawson	Sparks
Barganier	Ellis (Elmore)	Lee (Perry)	Stewart
Benners	Fite	Long (Butler)	Tompkins
Blunt	Fuller	Long (Sumter)	Trammell
Bracken	Gilbreath	Matthews (Wilcox)	Truss
Calvert	Graham	Milford	Tunstall
Carnley	Green	Murphree	Van de Graaff
Christian	Guy	McDonald	Varner
Christopher	Hale	Oakley	Waddell
Clayton	Hare	Orr	Williamson
Cliett	Harrison	Parker	Wilson
Cobbs	Hawkins	Partridge	Woodard
Dansby	Hollis		

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal, begs leave to report that it has examined the Journal for the tenth day and finds the same to be correct.

W. G. Allen.

Acting Chairman.

The report of the Committee was concurred in and adopted and the journal for the tenth day was approved.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted H. J. R. 27 relative to the development of Muscle Shoals and returns same herewith to the House.

W. F. Miller,
Secretary.

RESOLUTIONS.

The following resolutions were introduced:

By Rules Committee:

H. R. 31. Be it resolved by the House that the special, paramount and continuing order of business shall be the consideration of the bills embraced in the governor's proclamation as the same appear on the regular calendar of the House immediately following the consideration of the special order heretofore made.

And the rules were suspended and the resolution was adopted.

By Mr. Dansby:

H. R. 32. Resolved that House Bill 10, to amend section 8 of an act to abolish the lease system, be made a special, paramount order for the next legislative day.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Peters:

H. R. 33. Whereas, after many spasmodic days of corporeal suffering, mental anguish, nightmares, uneasiness, mortifications and all of the other untold ills that flesh is heir to, having been passed through by members of this Legislature in establishing the identity of that famous non-alcoholic, volatilized, evaporable, elastic decoction, or liquified, incongealed serum, by common acceptance, surnamed Bevo,

Therefore, be it resolved, that we as members of this extraordinary, preternatural and supernumerary legislature, having fully realized that, "there are gains for all our losses; there are

balms for all our pains," do hereby express our sincere and devoted gratitude, thankfulness, acknowledgments and recognition of our lasting indebtedness to the many gentlemen who, pro and con, traced the lineage, primogeniture, consanguinity, affinity, relationship, parentage, near relation and family connection of General Bevo, extending almost as far back in the differential past as General Bevo's paternal grandfather.

That we will always remember with the fondest feelings and tenderest recollections, the grandiloquence, oral communications, soliloquizing, speechifying, effusions and seismic explosions of our Legislative body in passing upon the life or innocence of General Bevo, and to those who lost, we can only say, "It is better to have loved and lost, than never to have loved at all."

And the resolution was referred to the Standing Committee on Rules.

By Mr. Partridge:

H. R. 34. Be it resolved, that House Bill 82 be made a special paramount and continuing order for 11 o'clock on Thursday, October 20, 1921.

And the resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Dansby:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2nd, 1911,' approved February 15, 1915," approved September 27, 1919.

Revision of Laws.

By Mr. Carnley:

H. 97. To repeal section 2069 of the Code of 1907 of State of Alabama.

Revision of Laws.

By Mr. Murphree:

H. 98. To make an appropriation for the payment of the balance due by the State of Alabama for the removal, erection and repair of the building commonly designated the First White House of the Confederacy.

Ways, Means and Appropriations.

By Mr. Fite:

H. 99. To regulate further the review of cases by the Supreme Court on certiorari or other mode of review to the court of appeals.

Revision of Laws.

By Mr. Hare:

H. 100. To propose an amendment to the Constitution of Alabama, abolishing the office and department of agriculture and industries, and to vest the rights, powers, and duties of that office and department in the Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College.

Judiciary.

REPORT OF STANDING COMMITTEES.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns and municipalities, and the inhabitants thereof, and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

H. 38 (with amendment). To repeal an act entitled "An act to amend an act to better secure the financial affairs of the

State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission and prescribe rules and regulations governing the same, approved February 11, 1919, by adding thereto a provision for the payment by the State for the services of the members of the State budget commission," approved September 29, 1919.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said Committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 39. To repeal section 6 of an act to better secure the administration of the financial affairs of the State in respect to expenditures and appropriations; and for that purpose to establish a State budget commission, and prescribe rules and regulations governing the same, approved February 11, 1919.

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with amendment:

S. 19 (with amendment). To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage

of this act to transfer the fine and forfeiture fund of said county to the general fund.

S. 10. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service, and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

S. 47. For the relief of P. B. Jarman of Sumter county authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved February 22nd, 1919.

Mr. Long of Sumter, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 86. To provide for the control, prevention and eradication of contagious and infectious diseases of honey bees, the inspection and certification of honey bees, combs and appliances being shipped into and out of this State, conferring authority on the commissioner of agriculture and industries to make and enforce rules and regulations in regard to same, authorizing said commissioner to enter certain premises for purposes of inspection, and to provide penalties for the violation thereof.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 74. To make an appropriation out of the State treasury to pay premiums on Alabama raised steers and to provide how and by what means said amount shall be paid.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation:

H. 80. For the relief of John Craft and the Mobile Roofing & Cornice Company of Mobile, Alabama.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 93. To amend section 84 of an act entitled "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILL REPORTED ADVERSELY.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 83. To propose an amendment to section 49 of the present constitution of Alabama relative to the pay of members of the Legislature, and to order an election on such proposed amendment, and to set the date for such election.

BILL ON THIRD READING.

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Was taken up. Mr. Ross offered the following amendment to the bill:

"Amend section five of House bill number thirty by striking therefrom the following: "But there shall be no liability against the persons or property of the individuals composing such organization or association unless such individuals have been made parties defendant to such action."

And the amendment was adopted.

Yeas, 70; Nays, 1.

Yeas:

Messrs:

Speaker	Clayton	Fuller	Johnson
Albright	Cliett	Gilbert	Jordan
Alexander	Cobbs	Gilbreath	Lee (Perry)
Allen	Crump	Graham	Long (Butler)
Andrews	Dansby	Guy	Long (Sumter)
Baker	Deese	Hall	Matthews (Wilcox)
Barganier	Dodson	Hale	Milford
Benners	Dunaway	Hare	Mitchell
Blunt	Edwards (Dallas)	Hawkins	Murphree
Bracken	Ellis (Bullock)	Howle	McDonald
Carnley	Ellis (Elmore)	Ingram	Oakley
Christian	Fite	Jones (Escambia)	Parker
Christopher	Fletcher	Jones (Marengo)	Partridge

Pittman	Smith	Tunstall	Williams
Ross	Sparks	Van de Graaff	Williamson
Russell	Stewart	Varner	Wilson
Seale	Tompkins	Waddell	Woodard
Simpson	Truss		

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Nays:

Mr. Calvert—1.

By unanimous consent of the House, Mr. Green, was relieved from voting on amendments and final passage of H. 30.

RECESS.

On motion of Mr. Long of Butler the House recessed until 3:30 p. m.

AFTERNOON SESSION.

The hour of 3:30 having arrived the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Alexander:

H. J. R. 35. Whereas, Miss Zitella Cocke, who was born and reared in the county of Perry, State of Alabama, a sister of Madison Cocke, member of the Fourth Alabama Regiment, killed at Gettysburg, and a sister of John Binion Cocke, a captain in the Confederate Army, is now a resident of the city of Mobile, and,

Whereas, she has materially contributed to the best literature of the world by the publication of many wonderful poems from her pen, all of which are of surpassing beauty and merit, and,

Whereas, the literary beauty of the poems of Miss Cocke has not only been recognized in Alabama and throughout the South but also by many of the prominent authors' clubs of America, of Great Britain and France, and,

Whereas, she has rendered a vital service to the State in that she has taught, in their early days, some of the men who have filled leading positions in these halls, and,

Whereas, after a long and useful life this gifted daughter of Alabama waits

"To rise to the joy, high-priced,
Won for us by our risen Christ,"

Now, therefore, be it resolved by the House, the Senate concurring, that the Legislature of Alabama hereby express the

appreciation of its members and of the people of the State of Alabama of the fame and renown which Miss Zitella Cocke has achieved for the State in the field of literature and music.

Be it further resolved, that a copy of these resolutions be forwarded to Miss Zitella Cocke at Mobile, Alabama.

The rules were suspended and the resolution was adopted.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present Special Session of the Legislature.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Also:

S. 31. To authorize and provide for the issuance and sale of the State bonds for the purpose of constructing, improving, and maintaining roads, highways and bridges.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Ways, Means and Appropriations, S. 45.

Public Roads and Highways, S. 31.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith, including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence or indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Revision of Laws, S. 58.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 54. To repeal an act entitled "An act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal

census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved September 30, 1919.

Also:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved Octobr 2nd, 1920.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 54.

Privileges and Elections, S. 56.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Mr. Tompkins offered the following amendment to the bill: "Amend section 4 by striking the following words from line two (2) of section 4 "now pending, or any cause of action now existing or" and the amendment was lost.

Yeas, 30; Nays, 46.

Yeas:

Messrs:

Speaker
Andrews
Austin
Barganier
Blunt
Bracken
Calvert
Christopher

Cobbs
Crump
Dansby
Edwards (Pike)
Gilbert
Gilbreath
Graham
Guy

Hall
Hale
Harrison
Ingram
Jones (Escambia)
Milford
Partridge

Pittman
Russell
Sparks
Tompkins
Waddell
Williamson
Wilson

Nays:

Messrs:

Albright	Ellis (Elmore)	Lee (Perry)	Ross
Alexander	Fite	Long (Butler)	Seale
Allen	Fletcher	Long (Sumter)	Simpson
Baker	Fuller	Matthews (Wilcox)	Smith
Benners	Hare	Mitchell	Stewart
Christian	Hawkins	Murphree	Truss
Clayton	Holmes	McDonald	Tunstall
Cliett	Howle	Oakley	Van de Graaff
Dodson	Johnson	Parker	Varner
Dunaway	Jordan	Peters	Williams
Edwards (Dallas)	Lawson	Robertson	Woodard
Ellis (Bullock)			

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And the bill:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

As amended, was read a third time at length and passed.

Yeas, 57; Nays, 17.

Yeas:

Messrs:

Speaker	Edwards (Dallas)	Howle	Robertson
Albright	Edwards (Pike)	Ingram	Ross
Allen	Ellis (Bullock)	Jones (Escambia)	Seale
Andrews	Ellis (Elmore)	Jones (Marengo)	Simpson
Austin	Fite	Johnson	Smith
Baker	Fletcher	Lawson	Sparks
Benners	Gilbert	Lee (Perry)	Tompkins
Blunt	Gilbreath	Long (Butler)	Truss
Christian	Graham	Matthews (Wilcox)	Tunstall
Clayton	Guy	Mitchell	Van de Graaff
Cliett	Hall	Murphree	Varner
Cobbs	Hare	Oakley	Waddell
Dansby	Hawkins	Parker	Williams
Dodson	Holmes	Pittman	Woodard
Dunaway			

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Nays:

Messrs:

Barganier	Fuller	Milford	Russell
Bracken	Hale	McDonald	Stewart
Calvert	Harrison	Partridge	Williamson
Christopher	Long (Sumter)	Peters	Wilson
Crump			

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PAIR ANNOUNCED.

Mr. Alexander announced that he was paired with Mr. Hollis. If Mr. Hollis were present he would vote nay and Mr. Alexander would vote yea.

On motion of Mr. Ross the bill was ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

Was taken up. Mr. Tunstall offered the following amendment to the bill:

"Amend by inserting after the word "may" in line 7 from bottom of page 1 of bill the following: "At a cost of not exceeding ten million dollars," also by inserting after word "may" line 8 from bottom of page 2 the following: "At a cost of not exceeding ten million dollars."

And the amendment was adopted.

Yeas, 74; Nays, 0.

Yeas:

Messrs:

Speaker	Dodson	Holmes	Pittman
Albright	Dunaway	Howle	Robertson
Alexander	Edwards (Dallas)	Ingram	Russell
Allen	Edwards (Pike)	Jones (Escambia)	Seale
Andrews	Ellis (Bullock)	Jones (Marengo)	Simpson
Austin	Ellis (Elmore)	Johnson	Smith
Baker	Fite	Lawson	Sparks
Benners	Fletcher	Lee (Perry)	Stewart
Blunt	Fuller	Long (Butler)	Tompkins
Bracken	Gilbert	Matthews (Wilcox)	Truss
Calvert	Gilbreath	Milford	Tunstall
Christian	Graham	Mitchell	Van de Graaff
Christopher	Green	Murphree	Varner
Clayton	Guy	Oakley	Waddell
Cliett	Hall	Orr	Williams
Cobbs	Hale	Parker	Williamson
Collins	Hare	Partridge	Wilson
Crump	Harrison	Peters	Woodard
Dansby	Hawkins		

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And the bill:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

As amended, was read a third time at length and passed.

Yeas, 76; Nays, 2.

Yeas:

Messrs:

Speaker	Austin	Blunt	Christopher
Albright	Baker	Bracken	Clayton
Alexander	Barganier	Calvert	Cliett
Allen	Benners	Christian	Cobbs

Crump	Guy	Long (Sumter)	Simpson
Dansby	Hall	Matthews (Wilcox)	Smith
Dodson	Hale	Milford	Sparks
Dunaway	Hare	Mitchell	Stewart
Edwards (Dallas)	Harrison	Murphree	Tompkins
Edwards (Pike)	Hawkins	McDonald	Trammell
Ellis (Bullock)	Holmes	Orr	Truss
Ellis (Elmore)	Howle	Parker	Tunstall
Fite	Ingram	Partridge	Van de Graaff
Fletcher	Jones (Escambia)	Peters	Varner
Fuller	Jones (Marengo)	Pittman	Waddell
Gilbert	Johnson	Robertson	Williams
Gilbreath	Jordan	Ross	Williamson
Graham	Lawson	Russell	Wilson
Green	Lee (Perry)	Seale	Woodard

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Nays:

Messrs:

Long (Butler) Oakley

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PAIR ANNOUNCED.

Mr. Andrews stated he was paired with Mr. Burleson. If Mr. Burleson were present he would vote yea and Mr. Andrews would vote nay.

ADJOURNMENT.

On motion of Mr. Ross, the House adjourned until tomorrow morning at 10 o'clock.

TWELFTH DAY.

House of Representatives,
Thursday, October 20th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. M. Blankenship of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Speaker	Andrews	Blunt	Carnley
Albright	Baker	Bracken	Christian
Allen	Barganier	Calvert	Christopher

Clayton	Guy	Long (Sumter)	Salter
Cliett	Hall	Matthews (Wilcox)	Simpson
Cobbs	Hale	Milford	Smith
Crump	Hare	Mitchell	Sparks
Dansby	Harrison	Murphree	Stewart
Downs	Hawkins	McDonald	Tompkins
Dunaway	Howle	Oakley	Trammell
Edwards (Dallas)	Ingram	Orr	Truss
Ellis (Bullock)	Jones (Escambia)	Parker	Tunstall
Ellis (Elmore)	Jones (Marengo)	Partridge	Van de Graaff
Fuller	Johnson	Peters	Waddell
Gilbert	Jordan	Pittman	Williams
Gilbreath	Lawson	Robertson	Williamson
Graham	Lee (Perry)	Ross	Wilson
Green	Long (Butler)	Russell	Woodard

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the eleventh day and finds the same to be correct.

W. G. Allen,
Acting Chairman.

The report of the committee was concurred in and adopted and the Journal for the eleventh day was approved.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Truss, the bill:

H. 55. To establish a justice of the peace court in any precinct of a county, in Alabama, having a population of three hundred and nine thousand (309,000) or more people, according to the last Federal census, or any such census which may hereafter be taken.

Was indefinitely postponed.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Dansby:

H. R. 36. Resolved by the House, that H. 96, to amend the banking laws, be made a special, continuing, paramount order for the next legislative day, Friday, Oct. 21.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Fuller:

H. R. 37. Be it resolved by the House, that debates on all subjects shall be limited to five minutes from this date.

The resolution was referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Stewart:

H. 101. To amend section 3317 of the Code of Alabama 1907, relating to the publication of receipts and disbursements by counties.

Revision of Laws.

By Mr. Stewart:

H. 102. To amend section 211½ of an act to provide a complete educational system for the State of Alabama, approved September 26, 1919, and published on pages 567 to 678 inclusive of the General Acts of Alabama of 1919, by making the failure of the county superintendent to perform the duty imposed upon him thereby a misdemeanor, and prescribe the punishment therefor.

Education.

By Mr. Murphree:

H. 103. To amend an act entitled "An act to amend section 3510 of the Code of Alabama," approved February 9, 1915.

Judiciary.

By Mr. Austin:

H. 104. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the Auditor to draw his warrant for such sum or sums in favor of the association paying same.

Revision of Laws. *

By Mr. Andrews (by request):

H. 105. To repeal an act entitled "An act authorizing the regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof," approved August 25, 1915.

Revision of Laws.

By Mr. Murphree:

H. 106. To provide for the payment of the costs of chartering a special train in which to convey the members of the Legislature from Montgomery, Alabama, to Birmingham, Alabama, and return on the 26th day of October, 1921.

Ways, Means and Appropriations.

By Mr. Murphree:

H. 107. To amend schedule 79 of section 361 of an act entitled an act to provide for the general revenue of the State of Alabama.

Ways, Means and Appropriations.

By Mr. Arnold:

H. 108. To provide for the control, working, maintenance, building and improvement of the public roads and bridges in counties in this State having, according to the last or any subsequent Federal census, two hundred thousand inhabitants or more.

Local Legislation.

By Mr. Arnold:

H. 109. To authorize boards of revenue and county commissioners, in counties in this State having, according to the last or any subsequent federal census, two hundred thousand inhabitants or more to invest its sinking fund in its own, or other county, state or municipal obligations.

Local Legislation.

REPORT OF STANDING COMMITTEES.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report with substitute:

H. 12 (with substitute). To amend an act, approved September 30th, 1919, entitled "An act to divide the State into judicial circuits for the circuit court, to be numbered and composed of the counties named."

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 54. To repeal an act entitled "An act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the

reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved September 30, 1919.

H. 100. To propose an amendment to the Constitution of Alabama, abolishing the office and department of agriculture and industries, and to vest the rights, powers, and duties of that office and department in the Alabama Polytechnic Institute, formerly called the Agricultural and Mechanical College.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise, adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

H. 99. To regulate further the review of cases by the Supreme Court on certiorari or other mode of review to the court of appeals.

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

H. 48. To provide for the payment of a sum of money for the expenses of all circuit solicitors in circuits composed of five counties or more in which there are two circuit judges and one circuit solicitor, said money to be over and above the salary as provided by law.

H. 94. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House without recommendation and with substitute:

H. 11 (with substitute). To require all persons doing business in Alabama under any firm name or style, except corporations, to file with the probate judge in each county of the State in which it is proposed to do business, a certificate in writing, signed by the person or persons interested, setting forth the firm name or style under which business is being done or is to be done, giving the name and address of the owner of the business or the names and addresses of the co-partners, and the certificate shall be recorded by the probate judge and paid for by the person or persons interested at the rate allowed probate judges for recording other like papers, to fix the penalty for non-compliance with this act.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and blacklisting."

Mr. Green, acting chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

The foregoing bill, S. 30, was read a second time at length.

S. 31. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the Gospel at the State penitentiary at Wetumpka, Alabama.

H. 98. "To make an appropriation for the payment of the balance due by the State of Alabama for the removal, erection and repair of the building commonly designated the First White House of the Confederacy."

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Mr. Long of Sumter, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said Code.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILL ON THIRD READING.

H. 56. To repeal section 1411 of the Code of Alabama of 1907.

Was taken up. Mr. Tunstall offered the following amendment to the bill: "Amend House Bill 56 by inserting in the caption and the body of the bill after the figures 1907 the words "as amended by the act to amend section 1411 of the Code of Alabama of 1907 approved October 12th, 1920."

And the amendment was adopted.

Yeas, 69; Nays, 0.

Yeas:

Messrs:

Speaker	Edwards (Dallas)	Jones (Escambia)	Russell
Albright	Ellis (Bullock)	Johnson	Seale
Allen	Ellis (Elmore)	Jordan	Simpson
Andrews	Fite	Lawson	Smith
Austin	Fuller	Leo (Perry)	Sparks
Baker	Gilbert	Long (Butler)	Stewart
Barganier	Gilbreath	Long (Sumter)	Tompkins
Blunt	Graham	Matthews (Wilcox)	Trammell
Bracken	Green	Milford	Truss
Calvert	Guy	Murphree	Tunstall
Carnley	Hall	McDonald	Van de Graaff
Christian	Hale	Orr	Varner
Christopher	Hare	Parker	Waddell
Cliett	Harrison	Partridge	Williams
Cobbs	Hawkins	Peters	Williamson
Crump	Howle	Pittman	Wilson
Dansby	Ingram	Reynolds	Woodard
Dunaway			

H. 56. To repeal section 1411 of the Code of Alabama of 1907.

As amended, was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Speaker	Dunaway	Johnson	Seale
Albright	Edwards (Dallas)	Jordan	Simpson
Allen	Ellis (Bullock)	Lawson	Smith
Andrews	Ellis (Elmore)	Lee (Perry)	Sparks
Austin	Fite	Long (Butler)	Stewart
Baker	Fuller	Long (Sumter)	Tompkins
Barganier	Gilbert	Matthews (Wilcox)	Trammell
Blunt	Gilbreath	Murphree	Truss
Bracken	Graham	McDonald	Tunstall
Calvert	Green	Oakley	Van de Graaff
Carnley	Guy	Orr	Varner
Christian	Hall	Partridge	Waddell
Clayton	Hare	Peters	Williams
Cliett	Harrison	Pittman	Williamson
Cobbs	Howle	Reynolds	Wilson
Crump	Ingram	Russell	Woodard
Dansby			

—65

On motion of Mr. Tunstall, the bill was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment.

S. 42. To amend subdivision one, of section thirteen of an act entitled an act to further suppress the evils of intemperance, to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties, approved Jan. 25, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Temperance, S. 42.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment.

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

And has concurred in and adopted House Joint Resolution 35 relative to extending appreciation of the State for the career of Miss Zitella Cocke of Mobile.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

Ways, Means and Appropriations, S. 2.

BILLS ON THIRD READING.

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Was read a third time at length and passed.

Yeas, 66; Nays, 3.

Yeas:

Messrs:

Speaker	Edwards (Dallas)	Johnson	Robertson
Albright	Ellis (Bullock)	Jordan	Russell
Allen	Ellis (Elmore)	Lawson	Seale
Andrews	Fite	Lee (Perry)	Simpson
Austin	Fuller	Long (Butler)	Smith
Barganier	Gilbert	Long (Sumter)	Sparks
Blunt	Gilbreath	Matthews (Wilcox)	Stewart
Bracken	Graham	Murphree	Tompkins
Calvert	Green	McDonald	Trammell
Carnley	Guy	Oakley	Truss
Christopher	Hall	Orr	Tunstall
Clayton	Hale	Parker	Varner
Cliett	Harrison	Partridge	Williams
Cobbs	Hawkins	Peters	Williamson
Crump	Howle	Pittman	Wilson
Dansby	Ingram	Reynolds	Woodard
Dunaway	Jones (Escambia)		

—66

Nays:

Messrs:

Christian	Van de Graaff	Waddell
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—3

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Messrs:			
Speaker	Edwards (Dallas)	Johnson	Russell
Albright	Ellis (Bullock)	Jordan	Simpson
Allen	Ellis (Elmore)	Lawson	Smith
Andrews	Fite	Lee (Perry)	Sparks
Austin	Fuller	Long (Sumter)	Stewart
Baker	Gilbert	Matthews (Wilcox)	Tompkins
Blunt	Gilbreath	Milford	Trammell
Bracken	Graham	Murphree	Truss
Calvert	Green	McDonald	Tunstall
Carnley	Guy	Oakley	Van de Graaff
Christian	Hall	Orr	Varner
Christopher	Hale	Parker	Waddell
Cliett	Hare	Partridge	Williams
Cobbs	Harrison	Pittman	Williamson
Crump	Howle	Reynolds	Wilson
Dansby	Ingram	Robertson	Woodard
Dunaway	Jones (Escambia)		

—66

And the bill was ordered sent forthwith to the Senate without engrossment.

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00 for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Was read a third time at length and passed.

Yeas, 62; Nays, 3.

Yeas:

Messrs:			
Speaker	Ellis (Bullock)	Jordan	Robertson
Albright	Ellis (Elmore)	Lawson	Ross
Allen	Fite	Lee (Perry)	Simpson
Andrews	Fuller	Long (Sumter)	Smith
Austin	Gilbert	Matthews (Wilcox)	Sparks
Baker	Graham	Milford	Stewart
Blunt	Green	Murphree	Tompkins
Bracken	Guy	McDonald	Trammell
Calvert	Hale	Oakley	Truss
Christopher	Hare	Orr	Van de Graaff
Cliett	Harrison	Parker	Varner
Cobbs	Hawkins	Partridge	Waddell
Crump	Howle	Peters	Williams
Dansby	Ingram	Pittman	Wilson
Dunaway	Jones (Escambia)	Reynolds	Woodard
Edwards (Dallas)	Johnson		

—62

Nays:

Messrs:		
Clayton	Long (Butler)	Williamson

—3

And the bill was ordered sent forthwith to the Senate without engrossment.

S. 1. To amend section 7654 of the Code of Alabama of 1907.

Was read a third time at length and passed.

Yeas, 62; Nays, 4.

Yeas:

Messrs:

Speaker	Fite	Lee (Perry)	Simpson
Albright	Fuller	Long (Sumter)	Smith
Allen	Gilbert	Matthews (Wilcox)	Sparks
Andrews	Gilbreath	Murphree	Stewart
Austin	Graham	McDonald	Tompkins
Baker	Green	Oakley	Trammell
Barganier	Guy	Parker	Truss
Blunt	Hall	Partridge	Tunstall
Bracken	Hale	Peters	Van de Graaff
Christopher	Hare	Pittman	Varner
Dansby	Howle	Reynolds	Waddell
Downs	Ingram	Robertson	Williams
Dunaway	Jones (Escambia)	Ross	Williamson
Edwards (Dallas)	Johnson	Russell	Wilson
Ellis (Bullock)	Jordan	Seale	Woodard
Ellis (Elmore)	Lawson		

—62

Nays:

Messrs:

Calvert	Carnley	Clayton	Harrison
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—4

S. 19 (with amendment). To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Ways, Means and Appropriations, said amendment being as follows:

"Amend Senate Bill 19 by striking out "Fifty thousand Dollars (\$50,000) where the same appears both in the caption and body of the bill and inserting in lieu thereof "Seventy-five thousand (\$75,000).

And the amendment was adopted.

Yeas, 58; Nays, 12.

Yeas:

Messrs:

Speaker	Cliett	Gilbert	Jones (Escambia)
Albright	Cobbs	Gilbreath	Johnson
Allen	Crump	Graham	Jordan
Andrews	Dansby	Green	Lawson
Austin	Dunaway	Hale	Long (Sumter)
Baker	Edwards (Dallas)	Hare	Matthews (Wilcox)
Blunt	Ellis (Elmore)	Harrison	Milford
Bracken	Fite	Hawkins	Mitchell
Calvert	Fletcher	Howle	Murphree
Christopher	Fuller	Ingram	McDonald

Oakley	Ross	Tompkins	Waddell
Partridge	Russell	Truss	Williams
Peters	Seale	Van de Graaff	Wilson
Pittman	Smith	Varner	Woodard
Reynolds	Sparks		

—58

*Nays:**Messrs:*

Barganier	Ellis (Bullock)	Lee (Perry)	Simpson
Carnley	Guy	Long (Butler)	Trammell
Downs	Hall	Parker	Williamson

—12

And the bill.

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

As amended was read a third time at length and passed.

Yeas, 63; Nays, 10.

*Yeas:**Messrs:*

Speaker	Dunaway	Jones (Escambia)	Reynolds
Albright	Edwards (Dallas)	Johnson	Ross
Allen	Ellis (Elmore)	Jordan	Russell
Andrews	Fite	Lawson	Seale
Arnold	Fletcher	Long (Sumter)	Smith
Austin	Fuller	Matthews (Wilcox)	Sparks
Baker	Gilbert	Milford	Tompkins
Barganier	Gilbreath	Mitchell	Truss
Blunt	Graham	Murphree	Tunstall
Bracken	Green	McDonald	Van de Graaff
Calvert	Hall	Oakley	Varner
Christopher	Hare	Orr	Waddell
Cliett	Harrison	Parker	Williams
Cobbs	Hawkins	Partridge	Wilson
Crump	Howle	Peters	Woodard
Dansby	Ingram	Pittman	

—63

*Nays:**Messrs:*

Carnley	Ellis (Bullock)	Long (Butler)	Trammell
Christian	Guy	Simpson	Williamson
Downs	Lee (Perry)		

—10

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment

to be held at the general election next succeeding this Special Session of the Legislature.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and adopted the following resolution :

By Mr. Carmichael :

S. J. R. 28. Whereas, Honorable Warren G. Harding, President of the United States, will be in the city of Birmingham on the 26th day of October, 1921, attending the celebration of the semi-centennial of our largest city,

Now, therefore, be it resolved by the Senate, the House concurring, that the Legislature of Alabama, together with its officers and clerks, attend said celebration on said day and appear before the President of the United States in the Assembly Hall of the Tutwiler Hotel in token of our high respect for our President as a man and a patriot, and in honor of the great office which he holds ;

Resolved further, that it is the sense of the Legislature that a special train be provided at the expense of the State to carry the Legislature, its officers and clerks and all State officers to meet the President ;

Resolved further, that the governor of Alabama and all officers of the State be invited to accompany the Legislature ;

Resolved further, that a joint committee, three from the Senate to be appointed by the Lieutenant Governor, and three from the House, to be appointed by the Speaker of the House, be raised to make all necessary arrangements for attending said celebration.

And sends same herewith to the House without engrossment.

W. F. Miller,
Secretary.

SENATE MESSAGE.

Mr. Long of Butler offered the following amendment to S. J. R. 28 :

"That the words "the State shall pay the expenses" be stricken.

The amendment was lost and, on motion of Mr. Tunstall, the House concurred in and adopted the resolution, which is set out in the above and foregoing message from the Senate.

The Speaker named on part of the House, Messrs. Murphree, Tunstall and Hare, as members of the joint committee on arrangements.

RECESS.

The hour of one o'clock having arrived, the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

RESOLUTION.

The following resolution was introduced:

By Mr. Milford:

H. R. 38. Be it resolved by the House that the Clerk of the House be and he is hereby authorized and directed to notify all absent members to appear and attend the session of the Legislature during next week to the end that all the business of the Legislature be completed and a final adjournment had not later than Thursday of next week.

On motion of Mr. Milford, the rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 1. To amend section 7654 of the Code of Alabama of 1907.

Also:

S. 21. To propose an amendment to section 93 of the Constitution of the State of Alabama, and to order an election by the qualified electors of the State upon such proposed amendment to be held at the general election next succeeding this special session of the Legislature.

W. F. Miller,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

And as amended as therein shown has passed:

H. 50. To amend subdivision (h) of section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15th, 1919.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Sparks, the House concurred in and adopted the Senate amendment to the bill H. 50, said Senate amendment being as follows:

Amend section H of House Bill 50 by inserting right after the word "that" (the first word in section H) the following words: "On and after Oct. 1, 1921."

Yeas, 57; Nays, 4.

Yeas:

Messrs:

Speaker	Crump	Jones (Escambia)	Partridge
Albright	Dansby	Johnson	Pittman
Allen	Dunaway	Lawson	Ross
Andrews	Edwards (Dallas)	Lee (Perry)	Seale
Arnold	Ellis (Elmore)	Long (Butler)	Simpson
Austin	Fuller	Long (Sumter)	Sparks
Baker	Gilbreath	Matthews (Wilcox)	Tompkins
Blunt	Graham	Milford	Trammell
Bracken	Guy	Mitchell	Truss
Calvert	Hall	Murphree	Tunstall
Carnley	Hale	McDonald	Williams
Christopher	Harrison	Oakley	Williamson
Clayton	Hawkins	Orr	Wilson
Cliett	Howle	Parker	Woodard
Cobbs			

—57

Nays:

Messrs:

Christian	Smith	Van de Graaff	Waddell
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—4

BILL ON THIRD READING.

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Was read a third time at length and passed.
Yeas, 64; Nays, 0.

Yeas:

Messrs:

Speaker	Crump	Hawkins	Pittman
Albright	Dansby	Howle	Ross
Allen	Dunaway	Jones (Escambia)	Russell
Andrews	Edwards (Dallas)	Johnson	Seale
Arnold	Ellis (Elmore)	Lawson	Simpson
Austin	Fite	Lee (Perry)	Smith
Baker	Fletcher	Long (Butler)	Sparks
Blunt	Fuller	Long (Sumter)	Tompkins
Bracken	Gilbreath	Matthews (Wilcox)	Trammell
Calvert	Graham	Milford	Truss
Carnley	Green	Mitchell	Varnar
Christian	Guy	Murphree	Waddell
Christopher	Hall	McDonald	Williams
Clayton	Hale	Oakley	Williamson
Cliett	Hare	Parker	Wilson
Cobbs	Harrison	Partridge	Woodard

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REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

BILL ON THIRD READING.

H. 10. To amend section eight of an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919 (Acts 1919, p. 522-23).

Was taken up. Mr. Dansby offered the following substitute for the bill:

A BILL

To be entitled an act to amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919."

Be it enacted by the Legislature of Alabama:

That section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama and to abolish the lease system and to provide a penalty for the violation thereof, approved September 23, 1919," be and is hereby amended so as to read as follows:

Section 8. That on and after January 1st, 1924, it shall be unlawful for any person to lease or let for hire any State convict to any person, firm or corporation, and any person, firm or corporation found guilty of a violation of this section shall be punished at the discretion of the jury by a fine not to exceed \$5,000.00 or by imprisonment for not more than five years. Nothing in this act shall prevent the Highway department from working convicts on the public roads.

And the substitute was adopted.

Yeas, 64; Nays, 0.

Yeas:

Messrs:

Speaker	Dansby	Jones (Escambia)	Russell
Albright	Dunaway	Johnson	Simpson
Allen	Edwards (Dallas)	Jordan	Smith
Andrews	Ellis (Elmore)	Lawson	Sparks
Arnold	Fuller	Lee (Perry)	Stewart
Austin	Gilbert	Long (Butler)	Tompkins
Baker	Gilbreath	Long (Sumter)	Trammell
Blunt	Graham	Matthews (Wilcox)	Truss
Calvert	Green	Milford	Tunstall
Carnley	Guy	Mitchell	Van de Graaff
Christian	Hall	McDonald	Varner
Christopher	Hale	Oakley	Waddell
Clayton	Hare	Orr	Williams
Cliett	Harrison	Parker	Williamson
Cobbs	Hawkins	Pittman	Wilson
Crump	Howle	Ross	Woodard

—64

Mr. Sparks offered the following amendment to the substitute:

Amend the substitute to House Bill No. 10 by adding thereto the following provisions, to-wit:

On and after January 1, 1922, all county convicts shall be under the management and control of the State convict department, and shall be delivered to the State convict department as state convicts are now delivered. The net proceeds derived from

the labor of such county convicts shall be remitted to the county quarterly by the State warden general.

Provided, however, that a county may work convicts on its public roads or other public county work in which event the State convict department shall have no control over such convicts; and provided, further, that the provisions of this act shall not affect existing contracts by counties for the lease or hire of their convicts.

And the amendment was lost.

Yeas, 10; Nays, 56.

Yeas:

Messrs:

Baker	Harrison	Orr	Sparks
Calvert	Howle	Ross	Van de Graaff
Cobbs	Milford		

—10

Nays:

Messrs:

Speaker	Edwards (Dallas)	Lee (Perry)	Seale
Albright	Ellis (Elmore)	Long (Butler)	Simpson
Allen	Fite	Long (Sumter)	Smith
Andrews	Fletcher	Matthews (Wilcox)	Stewart
Barganier	Fuller	Mitchell	Tompkins
Blunt	Gilbreath	Murphree	Trammell
Bracken	Green	McDonald	Truss
Carnley	Guy	Oakley	Tunstall
Christian	Hall	Parker	Varner
Christopher	Hare	Partridge	Waddell
Clayton	Hawkins	Peters	Williams
Cliett	Jones (Escambia)	Pittman	Williamson
Dansby	Johnson	Robertson	Wilson
Dunaway	Lawson	Russell	Woodard

—56

And the bill:

H. 10. To amend section eight of an act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919 (Acts 1919, p. 522-23).

As amended, by the substitute was read a third time at length and passed.

Yeas, 57; Nays, 12.

Yeas:

Messrs:

Speaker	Christian	Fite	Hawkins
Albright	Christopher	Fletcher	Howle
Allen	Clayton	Fuller	Jones (Escambia)
Andrews	Cliett	Gilbreath	Johnson
Austin	Cobbs	Green	Lawson
Baker	Dansby	Guy	Lee (Perry)
Barganier	Dunaway	Hall	Long (Butler)
Blunt	Edwards (Dallas)	Hale	Long (Sumter)
Bracken	Ellis (Elmore)	Hare	Matthews (Wilcox)

Mitchell	Robertson	Tompkins	Waddell
Murphree	Ross	Trammell	Williams
McDonald	Seale	Truss	Williamson
Oakley	Simpson	Tunstall	Wilson
Peters	Smith	Varner	Woodard
Pittman			

—57

*Nays:**Messrs:*

Arnold	Harrison	Parker	Sparks
Calvert	Milford	Partridge	Stewart
Carnley	Orr	Russell	Van de Graaff

—12

On motion of Mr. Dansby, the bill was ordered sent forth-with to the Senate without engrossment.

CERTIFICATE OF CLERK.

I hereby certify that the following bill was delivered to the governor on the date and hour named and that I hold the receipt of the executive department for same. Oct. 20th, 1921, 5:05 p. m.

H. 50. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

Fred H. Gormley,
Clerk.

ADJOURNMENT.

On motion of Mr. Parker, the House adjourned until tomorrow morning at 10:30 o'clock.

THIRTEENTH DAY.

House of Representatives,
Friday, October 21st, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. W. Partridge of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Edwards (Dallas)	Long (Butler)	Seale
Albright	Ellis (Elmore)	Long (Sumter)	Simpson
Andrews	Fite	Longshore	Smith
Arnold	Fletcher	Matthews (Wilcox)	Sparks
Austin	Fuller	Milford	Stewart
Baker	Gilbreath	Mitchell	Tompkins
Blunt	Green	Murphree	Trammell
Bracken	Hall	McDonald	Truss
Calvert	Hale	Orr	Tunstall
Carnley	Hare	Parker	Van de Graaff
Christian	Harrison	Partridge	Varner
Christopher	Hawkins	Peters	Waddell
Clayton	Howle	Pittman	Williams
Cobbs	Jones (Escambia)	Robertson	Williamson
Dansby	Johnson	Ross	Wilson
Dodson	Lawson	Russell	Woodard
Dunaway	Lee (Perry)		

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the twelfth day and finds the same to be correct.

W. G. Allen,
Acting Chairman.

The report of the committee was concurred in and adopted and the journal for the twelfth day was approved.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILL.

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Rules Committee, returned to the House:

H. R. 36 by Mr. Dansby, making H. 96, a special order for today with a favorable report. The resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Hare:

H. 110. To provide that any dentist or dental surgeon who has as much as twenty years experience in the practice of dentistry or dental surgery in Alabama upon the presentation to the Board of Dental Examiners of the State of Alabama satisfactory evidence of his having had twenty years experience as a dentist, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons, practicing their profession in the State of Alabama.

Public Health.

By Mr. Van de Graaff:

H. 111. To provide further for the expenses of treatment of indigent persons who have been bitten by mad dogs or other mad animals.

Ways, Means and Appropriations.

By Mr. Arnold:

H. 112. To repeal an act entitled an act "To provide for building and maintaining public highways through incorporated towns and cities by Boards of Revenue and Courts of County Commissioners in all counties of two hundred thousand inhabi-

tants or more, out of any money at any time subject to the disposal of such boards of revenue and courts of county commissioners for road purposes," approved March 17th, 1915.

Public Roads and Highways.

REPORT OF STANDING COMMITTEE.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

By Mr. Sparks:

H. 41 (with amendment). To amend section 7852 of the Code of Alabama 1907.

Mr. Tompkins, chairman of the Standing Committee on Revision of Law, reported that said Committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

By Mr. Austin:

H. 104. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

The above and foregoing bills were severally read a second time and placed on the calendar.

RESOLUTION.

The following resolution was introduced:

By Mr. Dansby:

H. R. 39. Resolved by the House, that S. 45, exempting tenant houses on farms from taxation, be made a special, paramount, continuing order for the 13th legislative day.

The resolution was referred to the Rules Committee.

BILL REPORTED ADVERSELY.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 109. To authorize boards of revenue and county commissioners, in counties in this State having, according to the last or any subsequent Federal census, two hundred thousand inhabitants or more to invest its sinking funds in its own, or other county, State or municipal obligations.

BILLS ON THIRD READING.

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

Was taken up. Mr. Tompkins offered the following amendment to the bill, "Amend section 1 of the bill, by striking and the words, "by executing," where they appear in said section, and inserting in lieu thereof the words "may execute."

And the amendment was adopted.

Yeas, 64; Nays, 0.

Yeas:

Messrs:

Speaker	Dunaway	Lawson	Russell
Albright	Edwards (Dallas)	Lee (Perry)	Simpson
Andrews	Ellis (Elmore)	Long (Sumter)	Smith
Arnold	Fite	Longshore	Sparks
Austin	Fletcher	Matthews (Wilcox)	Stewart
Baker	Fuller	Milford	Tompkins
Barganier	Gilbreath	Mitchell	Trammell
Blunt	Green	Murphree	Truss
Bracken	Guy	McDonald	Tunstall
Calvert	Hall	Or	Van de Graaff
Carnley	Hale	Parker	Varner
Christian	Hare	Partridge	Waddell
Christopher	Harrison	Peters	Williams
Cobbs	Howle	Pittman	Williamson
Dansby	Jones (Escambia)	Robertson	Wilson
Dodson	Johnson	Ross	Woodard

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And the bill,

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebt-

edness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

As amended, was read a third time at length and passed.

Yeas, 64; Nays, 0.

Yeas:

Messrs:			
Speaker	Dunaway	Lawson	Russell
Albright	Edwards (Dallas)	Lee (Perry)	Simpson
Andrews	Ellis (Elmore)	Long (Sumter)	Smith
Arnold	Fite	Longshore	Sparks
Austin	Fletcher	Matthews (Wilecox)	Stewart
Baker	Fuller	Milford	Tompkins
Barganier	Gilbreath	Mitchell	Trammell
Blunt	Green	Murphree	Truss
Bracken	Guy	McDonald	Tunstall
Calvert	Hall	Orr	Van de Graaff
Carnley	Hale	Parker	Varner
Christian	Hare	Partridge	Waddell
Christopher	Harrison	Peters	Williams
Cobbs	Howle	Pittman	Williamson
Dansby	Jones (Escambia)	Robertson	Wilson
Dodson	Johnson	Ross	Woodard

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H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto' approved March 2, 1911," approved February 15, 1915," approved September 27, 1919.

Was read a third time at length and passed.

Yeas, 61; Nays, 3.

Yeas:

Messrs:			
Speaker	Dodson	Lawson	Robertson
Albright	Dunaway	Lee (Perry)	Russell
Andrews	Edwards (Dallas)	Long (Butler)	Smith
Arnold	Ellis (Bullock)	Long (Sumter)	Sparks
Austin	Ellis (Elmore)	Longshore	Stewart
Baker	Fite	Matthews (Wilecox)	Tompkins
Barganier	Fuller	Milford	Trammell
Blunt	Gilbreath	Mitchell	Truss
Bracken	Green	Murphree	Tunstall
Calvert	Hale	McDonald	Varner
Carnley	Hare	Orr	Waddell
Christian	Hawkins	Parker	Williams
Christopher	Howle	Partridge	Williamson
Clayton	Jones (Escambia)	Peters	Wilson
Cobbs	Johnson	Pittman	Woodard
Dansby			

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Nays:

Messrs:

Fletcher

Guy

Van de Graaff

—3

On motion of Mr. Dansby, the bill was ordered sent forthwith to the Senate without engrossment.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution.

By Mr. Carmichael:

S. J. R. 31. Resolved by the Senate, the House concurring, that when the two houses adjourn today it be until Monday, October 24, 1921, at 2 p. m.

And sends same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 31, which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended and as amended as therein shown has passed:

H. 19. To appropriate fifty thousand dollars (\$50,000.00) for defraying the expenses of the Legislature.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tunstall, the House concurred in and adopted the Senate amendment to the bill H. 19, said Senate amendment being as follows:

A BILL

To be entitled an act to appropriate fifty-five thousand (\$55,000) dollars for defraying the expenses of the special session of the Legislature of Alabama, and to provide the manner of paying certain traveling expenses incurred by the Legislature for a special train for the use of the Legislature.

Section 1. Be it enacted by the Legislature of Alabama, that the sum of fifty-five thousand (\$55,000.00) dollars, or so much

thereof as may be necessary, be and the same is hereby appropriated out of any monies in the State treasury not otherwise appropriated, to pay the per diem and mileage of the members of the Legislature at the special session, and all amounts due for the hire of clerks and employees of the Legislature and all other necessary or proper expenses incurred in holding the present extra session of the Legislature, including the cost of a special train to carry the members, officers or clerks of the Legislature and State officers to the semi-centennial celebration of the city of Birmingham, Alabama, to show respect to the President of the United States.

Section 2. The State auditor shall draw his warrant or warrants on the State treasurer on a voucher or vouchers drawn by the Lieutenant-Governor on account or accounts made out and certified by the joint committee of arrangements appointed by the Senate and House of Representatives to pay the cost of the special train to carry the members, officers and clerks of the Legislature and the State officers to the semi-centennial celebration of the city of Birmingham, Alabama.

Yeas, 52, Nays, 10.

Yeas:

Messrs:

Speaker	Dunaway	Jones (Escambia)	Robertson
Albright	Edwards (Dallas)	Johnson	Ross
Andrews	Ellis (Elmore)	Lawson	Russell
Arnold	Fite	Lee (Perry)	Seale
Austin	Fuller	Long (Sumter)	Smith
Barganier	Gilbreath	Matthews (Wilcox)	Stewart
Blunt	Green	Milford	Truss
Bracken	Guy	Mitchell	Tunstall
Calvert	Hale	Murphree	Van de Graaff
Christopher	Hare	McDonald	Varnier
Clayton	Harrison	Parker	Williams
Cobbs	Hawkins	Partridge	Wilson
Dansby	Howle	Pittman	Woodard

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Nays:

Messrs:

Baker	Long (Butler)	Tompkins	Waddell
Carnley	Longshore	Trammell	Williamson
Christian	Sparks		

—10

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 61. To provide for the protection and preservation of the cemetery at Cahaba, the first capital of the State.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing Senate message, was read one time and referred to an appropriate Standing Committee as follows:

Ways, Means and Appropriations, S. 61.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

And has concurred in and adopted the amendment proposed by the House to the bill:

S. 19. To appropriate fifty thousand dollars (\$50,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate was read one time and referred to an appropriate Standing Committee as follows:

Judiciary, S. 67.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolutions and ordered same sent to the House without engrossment: By Mr. Rogers, of Sumter:

S. J. R. 29. Whereas, the citizens of Montgomery have offered to put at the disposal of the members of the Senate and of the House enough automobiles to accommodate the whole body, taking them on a tour of inspection of the camp where the United States donation of road machines and materials are kept; of the new prison now being built, and of the bridge being constructed across the Tallapoosa river,

Now, therefore, be it resolved, that when the two bodies recess on Tuesday, October 25, they recess until 4:30 P. M., giving the time from 2:30 to 4:30 for this inspection.

Also:

By Mr. Rogers, of Lauderdale:

S. J. R. 30. Whereas, the United Confederate Veterans will assemble in annual reunion in the city of Chattanooga, Tennessee, on Tuesday next, October 25th; and

Whereas, we recall with a feeling of profound gratitude the valiant struggle waged by the gallant soldiers of the South for the preservation of the constitutional rights of our people—warriors springing from injuries to arms to resist the war of ambition, aggression and conquest, designed to destroy the South; and

Whereas, the historic capitol building of the State of Alabama was the first capitol of the Confederate States of America, here the first Confederate Congress assembled, here Jeff Davis was inaugurated President of a nation which still lives in glorious memory and imperishable tradition; and

Whereas, the matchless courage and invincible patriotism of our Confederate soldiers constitutes the most wonderful achievement in Alabama's crown of glory; and

Whereas, Alabama contributed more soldiers to the defense of Southern honor than she had voters at the polls:

Now, therefore, be it resolved, that the members of the Alabama Legislature hereby send the greetings of its members and of all patriotic Alabamians to the United Confederate Veterans about to assemble in annual reunion at Chattanooga, Tennessee, together with the assurance that we love, honor and revere them, not only for the gallant fight which they made to maintain our constitutional rights and to resist the invasion of a devastating foe, but also for the leadership and courage which they demonstrated in the reclamation of the South from the reign of the alien, the scallawag and the demagogue;

Be it resolved further, that while yielding to no section of the country a greater loyalty to the nation and to the American Flag than we possess, yet we salute and glorify the small remnant of the army of the "Ill-starred Nation that fell," that fought for a great principle which in their hearts and consciences they believed to be right.

Resolved further, that immediately upon the passage and approval of this resolution, the secretary of State be, and he is hereby requested to forward a copy, under the Great Seal of the State of Alabama, to the commander-in-chief, United Confederate Veterans, at Chattanooga, Tennessee.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Resolution No. 29 which is set out in the above and foregoing message from the Senate, was referred to the Standing Committee on Rules.

The House concurred in and adopted by a rising vote S. J. R. 30, which is set out in the above and foregoing Senate message.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended and as amended as therein shown has passed:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House proceeded to the consideration of the Senate amendment to the bill H. 44, said Senate amendment being as follows:

Committee substitute for House bill No. 44:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first

Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX, Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum payable semi-annually and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year, preceding the issuance of same and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.: "Shall the following be adopted as Article XX of the Constitution of Alabama?"

"Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual

license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes.....

"No.....

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the Governor.

On motion of Mr. Orr, the further consideration of the Senate amendment was postponed until Tuesday, Oct. 25th, 1921, and made a special, paramount, continuing order immediately after the report of the Standing Committee on Revision of the Journal.

NOTICE IN WRITING.

Mr. Cobbs gave notice of intention to move to place House Bill 84, adversely reported, upon the regular calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise adequate supplies of pure and wholesome water by authorizing such cities or municipalities to mortgage their water works,

lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

W. F. Miller,
Secretary.

CERTIFICATE OF CLERK.

I hereby certify the following bills were delivered to the governor on the date and hour named and that I hold the receipt of the executive department for same.

Oct. 21, 1921, 11:21 a. m.

H. 34. To provide for a judge of the county court of Talladega county, Alabama, fix his compensation, and to provide for the payment of the same.

Fred H. Gormley,
Clerk.

BILL ON THIRD READING.

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Was taken up. Mr. Van de Graaff offered the following amendment to the bill: "Amend sec. 3 by striking out the following clause: Or who publishes the name of any public officer or public official upon any black list, unfair list or other similar lists, because of any lawful act or decision of such officer or official."

And the amendment was adopted.

Yeas, 49; Nays, 13.

Yeas:

Messrs:

Speaker
Albright
Arnold
Baker
Barganier
Blunt
Bracken
Calvert
Carnley
Christian
Dansby
Dodson
Dunaway

Ellis (Elmore)
Fite
Fuller
Gilbreath
Guy
Hall
Hale
Hare
Harrison
Howle
Jones (Escambia)
Lawson

Lee (Perry)
Longshore
Milford
Mitchell
Murphree
McDonald
Orr
Parker
Partridge
Peters
Pittman
Russell

Seale
Sparks
Stewart
Trammell
Truss
Tunstall
Van de Graaff
Varner
Waddell
Williams
Wilson
Woodard

*Nays:***Messrs:**

Andrews
Austin
Clayton
Cobbs

Edwards (Dallas)	Long (Butler)	Ross
Green	Long (Sumter)	Smith
Hawkins	Matthews (Wilcox)	Tompkins

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ADJOURNMENT.

Pending the further consideration of the bill H. 26, on motion of Mr. Waddell, the House adjourned until Monday, Oct. 24th, 1921, at 2 o'clock p. m.

FOURTEENTH DAY.

House of Representatives,

Monday, October 24th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rabbi William B. Swartz of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Speaker	Dodson	Johnson	Ross
Adams	Downs	Lawson	Russell
Albright	Dunaway	Lee (Perry)	Salter
Alexander	Ellis (Bullock)	Long (Butler)	Seale
Allen	Ellis (Elmore)	Long (Sumter)	Shaw
Arnold	Fletcher	Longshore	Smith
Baker	Fuller	Matthews (Wilcox)	Sparks
Barganier	Gilbreath	Milford	Stewart
Benners	Green	Mitchell	Trammell
Blunt	Guy	Murphree	Tompkins
Bracken	Hall	McDonald	Truss
Burleson	Hale	Oliver	Tunstall
Carnley	Hare	Orr	Van de Graaff
Christian	Harrison	Parker	Varner
Clayton	Hawkins	Partridge	Waddell
Cliett	Howle	Peters	Williamson
Cobbs	Ingram	Pittman	Wilson
Dansby	Jones (Escambia)	Robertson	Woodard

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A quorum was present.

JOURNAL.

The chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the Journal for the thirteenth day and finds the same to be correct.

W. G. Allen,
Acting Chairman.

The report of the committee was concurred in and adopted and the journal for the thirteenth day was approved.

LEAVE OF ABSENCE.

Was granted to Messrs. Jordon and Williams for today.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following bill:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

And returns same herewith to the House.

W. F. Miller,
Secretary.

REPORT OF STANDING COMMITTEES.

Mr. Long, of Sumter, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 92. To provide for the printing and distribution of information by the State department of agriculture and industries, and providing for the payment of the expenses thereof.

Mr. Arnold, chairman of the Standing Committee on Public Roads and Highways, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 112. To repeal an act entitled an act, "to provide for building and maintaining public highways through incorporated towns and cities by boards of revenue and courts of county commissioners in all counties of two hundred thousand inhabitants or more, out of any money at any time subject to the disposal of such Boards of Revenue and courts of county commissioners for road purposes," approved March 17th, 1915.

The above and foregoing bills were severally read a second time and placed upon the calendar.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Salter (with notice and proof) :

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Local Legislation.

Notice and Proof, H. B. 113:

NOTICE OF LOCAL LEGISLATION.

To the People of Conecuh County, Alabama:

Please take notice that at the special term of the Legislature of Alabama, which will convene on October 4th, 1921, a bill will be introduced in substance as follows:

To provide the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

I, J. C. Whitcomb, publisher of the Conecuh Record, hereby certify that the above notice was published in the Conecuh Record for four (4) consecutive weeks beginning on September 29th, 1921, and ending October 20th, 1921, published on the following dates: September 29th, October 6th, October 13th, and October 20th, 1921.

Given under my hand, this the 21st day of October, 1921.

J. C. Whitcomb.

Sworn to and subscribed before me, this the 21st day of October, 1921.

S. P. Dunn,

Judge of Probate.

By Mr. Salter (with notice and proof) :

H. 114. To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising of revenue for the same; to authorize the commissioners' court to levy a vehicle tax on all automobile, motor trucks and all motor vehicles of every kind, and all carts, drays, log drays, hacks, surries, carriages and buggies owned and operated by the citizens of Conecuh county, Alabama, over and along the public roads of Conecuh county,

Alabama; to provide the manner in which said tax shall be assessed and collected; to prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting said taxes; to provide the manner in which said tax so levied and collected shall be used; to provide a penalty and punishment for violating the act in failing to pay the tax so assessed; and to repeal all conflicting laws in so far as they apply to Conecuh county, Alabama.

Local Legislation.

Notice and Proof H. 114:

NOTICE OF LOCAL LEGISLATION.

To the People of Conecuh County, Alabama:

Please take notice that at the special term of the Legislature of Alabama, which will convene on October 4th, 1921, a bill will be introduced in substance as follows:

To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising of revenue for the same, to authorize the commissioners court to levy a vehicle tax on all automobiles, motor trucks, and all motor vehicles of every kind, and all carts, drays, log drays' hacks, surries, carriages, and buggies owned and operated by the citizens of Conecuh county over and along the public roads of Conecuh county; to provide the manner in which such tax shall be assessed and collected, and prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting such tax; to provide the manner in which the tax so levied and collected shall be used; to provide a penalty and punishment for violating the act in failing to pay the tax so assessed and to repeal all conflicting laws in so far as they apply to Conecuh county, Alabama.

I, J. C. Whitcomb, publisher of the Conecuh Record, hereby certify that the above notice was published in the Conecuh Record for four (4) consecutive weeks beginning on September 29th, 1921, and ending October 20th, 1921, published on the following dates: September 29th, October 6th, October 13th and October 20, 1921.

Given under my hand this the 21st day of October, 1921.

J. C. Whitcomb.

Sworn to and subscribed before me, this the 21st day of October, 1921.

S. P. Dunn,
Judge of Probate.

By Mr. Salter (with notice and proof):

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Local Legislation.

Notice and Proof, H. 115:

Notice is hereby given of the intention to apply to the Legislature of Alabama at the extraordinary session thereof held in the year 1921, for the passage of an act to authorize the commissioners court of Conecuh county to pay out of the general fund of said county to the tax assessor of said county six hundred dollars per annum for extra help in his said office.

State of Alabama, }
Conecuh County. }

Before me, F. J. Dean, a notary public in and for said State and county, personally appeared Geo. W. Salter, who being duly sworn, deposes and says that he is editor and publisher of The Evergreen Courant, a newspaper published weekly at Evergreen in said county and State; that the above and foregoing notice was published in said The Evergreen Courant for four consecutive weeks in the issues of September 28th, October 5th, October 12th, October 19th in the year 1921.

Geo. W. Salter,

Editor and Publisher, The Evergreen Courant.

Subscribed and sworn to before me this the 22nd day of October, 1921.

F. J. Dean,

Notary Public.

By Mr. Salter:

H. 116. To amend section two (2) of an act entitled "An act to require all the fees collected by sections 6655 and 6656 of the Code, in the county court to be paid into the county treasury; to provide a fund out of which the salaries of the judges of the county court shall be paid, and to fix the amount of such salaries," approved September 18, 1915.

Revision of Laws.

By Mr. Truss:

H. 117. To amend section 1 of an act to amend section 3615 and 3625, Code of Alabama 1907, approved February 28th, 1911.

Judiciary.

By Mr. Truss:

H. 118. To amend section 3482 of the Code of Alabama of 1907.

Judiciary.

By Mr. Jones of Escambia:

H. 119. To amend section 3983, of the Code of 1907.

Judiciary.

By Mr. Jones of Escambia (with notice and proof):

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Ways, Means and Appropriations.

Notice and Proof H. 120:

PUBLIC NOTICE.

State of Alabama, }
Escambia County, }
City of Brewton. }

That notice is hereby given as required by section 106 of the Constitution, that Rev. J. E. Deer will apply to the Legislature of Alabama at the extra session and meeting thereof to be held beginning, to-wit, October 4th, 1921, for relief and for the enactment of a law for that purpose; this notice is published without cost to the State in Escambia county, Alabama, in "The Brewton Standard," a weekly newspaper published in said county, at least once a week for four consecutive weeks prior to the introduction of

said proposed law granting said relief, the substance and effect of said proposed law is as follows, to-wit:

Be it enacted by the Legislature of Alabama:

Section 1. That whereas, the Rev. J. E. Deer, of Escambia county, Alabama, and a minister of the gospel, did, at the request of the State chaplain, preach and labor among the State convicts at the Bagdad Land and Lumber Company, and the Dixie Turpentine Company, in said county, during the years 1916, 1917 and 1918; distribute Bibles among said convicts and pay his traveling expenses, and has personally borne all of such expense at his own private cost and without pay or reward, from the State or the county, and whereas, it is not the policy of this State to require such needed services without some compensation that is deemed reasonable, just and right.

Section 2. That whereas, the court of county commissioners of said county did on the 7th day of January, 1919, make an order approving the amount, merit and justness of said claim and has appealed to this body requesting that it give the proper relief; and whereas, both House and Senate did heretofore in the session of 1919, unanimously pass this bill granting said relief, but the same was vetoed with regret by the governor for want of sufficient notice as required by the Constitution; therefore,

Section 3. There is hereby appropriated out of monies in the State treasury not otherwise appropriated for the relief of said Rev. J. E. Deer, and he is allowed the sum of twelve dollars and fifty cents (\$12.50) per month for thirty-four (34) months, the time he served said convicts, amounting in all to the sum of four hundred and twenty-five (\$425.00) dollars, and the State auditor is hereby authorized and directed to draw his warrant upon the treasurer of the State of Alabama in favor of Rev. J. E. Deer, for the sum of four hundred and twenty-five (\$425.00) dollars, and the treasurer of the State of Alabama shall pay said warrant out of any monies in the State treasury, not otherwise appropriated.

I will furnish proof by affidavit to each House of the Legislature that the foregoing notice has been duly given. Witness this 27th day of September, 1921.

J. E. Deer.

PROOF OF PUBLICATION.

I, W. E. Brooks, the publisher of a weekly newspaper, published in Escambia county, Alabama, the name of which paper is "The Brewton Standard," do hereby state under oath, that the foregoing annexed printed words and figures compose a true and correct copy of a notice that Rev. J. E. Deer will apply to the Legislature of Alabama for the enactment of a law for his relief; said notice is clipped from the original issues of said newspaper; said notice and the words and figures composing the same have been published in said newspaper for four (4) consecutive weeks, and appeared and was published in said newspaper on the following dates, namely: September 29th, October 6th, October 13th, and October 20th, in the year 1921; I have personal knowledge of the foregoing facts and make this statement under oath; that said notice has been published without cost to the State in said Escambia county, and said notice shows the substance of the said proposed law, and said notice hereto annexed is made a part hereof.

In witness whereof, I have hereunto set my hand the 20th day of October, 1921.

W. E. Brooks,

Publisher of said newspaper.

Sworn to and subscribed to before me on this the 20th day of October, 1921.

(Seal)

C. B. Sawyer,
Notary Public.

By Mr. Hawkins:

H. 121. To authorize the sheriffs of such counties on a salary basis to employ an attorney to represent him and to fix the manner of compensation of such attorney.

Local Legislation.

By Mr. Sparks:

H. 122. To encourage the development of hydro-electric power at or near Muscle Shoals on the Tennessee river, to authorize and enable the governor to represent and protect the interests of the State of Alabama in the matter of any negotiations, transactions, or federal legislation for the completion or disposition of the same; and to authorize the appointment or employment of a commissioner or commissioners or other agency to investigate and report its recommendations relative to such development to the next regular session of the legislature.

Revision of Laws.

By Mr. Green:

H. 123. To amend section 1411 of the Code of Alabama of 1907.

Revision of Laws.

NOTICE GIVEN TO TAKE BILLS FROM ADVERSE CALENDAR.

Mr. Carnley gave notice that on the next legislative day he would move to take from the adverse calendar House Bills 13 and 14 relating to the abolition of the Law Enforcement Department.

RESOLUTION.

The following resolution was introduced:

By Mr. Adams:

H. J. R. 40. Whereas, there are only ninety-four days after Saturday, October 29, 1921, and before February 1, 1922, and as ninety days must expire after final adjournment before an election for ratification can be held; and in case the amendment relieving the veterans of the world war from payment of poll tax should be defeated, there would be scarcely time before February 1, 1922, for the veterans of the world war to pay their poll taxes; therefore,

Resolved, that the House of Representatives of the Legislature of the State of Alabama, the Senate concurring, adjourn sine die October 29, 1921.

The resolution was referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill:

H. 19. To appropriate fifty-five thousand (\$55,000) Dollars for defraying the expenses of the special session of the Legislature of Alabama, and to provide the manner of paying certain travelling expenses incurred by the Legislature for a special train for the use of the Legislature.

And finds same correctly enrolled.

B. deG. Waddell,
Acting Chairman.

Oct. 24, 1921.

SIGNING OF BILL.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am directed by the governor to hand you herewith his message concerning a bill now pending before you.

W. A. Darden,
Secretary to the Governor.

October 24, 1921.

GOVERNOR'S MESSAGE.

To the Legislature of Alabama:

I send you herewith a copy of a letter prepared by Hon. Thos. C. McClellan, a justice of the Supreme Court of Alabama, in support of the recommendation contained in my message of October 4th proposing the enactment of a bill to provide that the advice of the justices of the Supreme Court may be furnished to the governor and the Legislature concerning the constitutionality of bills pending in the Legislature.

I trust the argument of Judge McClellan will be carefully read and earnestly considered by each and every Senator and Representative. Special attention is called to the addenda which contains precedents from nine states of the Union, most of them being constitutional provisions.

Had a bill similar to the one now before you been enacted at your session of 1919 not less than \$100,000 would have been saved in expenses of holding elections and for this special session, which would not have been necessary, and 30,000 soldiers, sailors and marines would not have been franchised.

We have no assurance that succeeding legislatures will be less liable to err in matters of constitutional procedure than this one and, therefore, I

earnestly urge you to provide some such reasonable means of prevention as is proposed in the pending bill.

Respectfully,
Thos. E. Kilby,
Governor.

October 24, 1921.

SUPREME COURT OF ALABAMA
MONTGOMERY

18th October, 1921.

Governor Thomas E. Kilby,
Capitol.

My dear Sir: In response to your inquiry with respect to the pending legislative proposal to obtain the individual, merely advisory, "consultative" opinions of the justices of the Supreme Court upon constitutional questions of a general public nature and on "solemn occasions"—questions of law strictly—with the design of having the answers thereto contribute, in advance, precautionary assurance of the constitutional validity of prospective legislation, and with the design of having such answers contribute, in advance, precautionary assurance of the constitutional validity of executive action under existing laws (the justices being authorized to require briefs from the attorney general and to invite written argument from other attorneys, upon written questions propounded to the justices): the following is a statement of my views:

It is essential to a clear understanding and a sound estimation of the subject of your inquiry—the pending legislative proposal—that these discriminative considerations be borne in mind: (a) That the pending proposal does not contemplate the advice or advisory opinions of the justices upon any matter relating to the discretion, wisdom, desirability, or policy of legislative or executive action; (b) that the merely advisory opinions contemplated are those of the individual justices, not of the Supreme Court in its judicial capacity; (c) that written requests for the merely advisory opinions contemplated must involve constitutional questions upon matters or subjects of a general public nature or on "solemn occasions" of like nature—not advice upon questions involved in the ascertainment or declaration of private right or interest; (d) that the opinions (responses to written inquiries) contemplated are designed to be advisory, "consultative" only, not concluding or binding the Legislature or executive propounding the written inquiry or the justices responding thereto, the Legislature or the executive being entirely free to accept or reject the advisory opinions given; and (e) that in aid of the efficiency of the non-judicial service contemplated by the pending proposal, the justices may require the written argument of the attorney general and may invite or receive written argument from other attorneys upon concrete inquiries propounded to the justices.

Neither the object sought to be attained by the practice proposed nor the method—through the judges—to effect this object's accomplishment is at all novel or startling. It is in no sense an innovation. The idea the present proposal would develop and apply—within restricted, proper limits under our form of constitutional government has been acted upon and applied for centuries by the English House of Lords, and by many of the greatest of English judges, in the process of legislation by the House of Lords. See 126 Massachusetts Reports, pp. 561 et seq., for interesting historical recital.

In England this practice of taking, in advance of legislative action, the merely consultative opinions of the judges resulted from the fact that the judges interrogated were of the Estates of the Realm; but, notwithstanding this circumstance, it is evident that the example afforded by the long hon-

ored practice in England—much broader, however, than is designed in the present proposal—deserves consideration at least for its effect as an influential precedent for the practice likewise established and prevailing, in varying forms, in many of our American states.

In America, in varying forms and through somewhat different method and scope, the practice contemplated in the pending proposal has been adopted and illustrated in the constitutions, the organic laws, of Massachusetts, Maine, New Hampshire, Rhode Island, Florida, Colorado, and South Dakota; in the statutes of Vermont since 1864; and in the response of the Kentucky judges (in 1881), without warrant in either constitution or statute, to an important constitutional question propounded by the governor of the state.

Copies of the provisions of the constitutions of the states enumerated touching this subject, and a copy of the Vermont statute, are hereto attached.

The provision of the Constitution of Massachusetts requiring advisory opinions by the judges of that state's highest court has been in the Constitution of Massachusetts since 1780—more than 140 years. Notwithstanding recent revision by convention (in 1917-19) of the Constitution of Massachusetts, the provision for advisory opinions is retained without change). The other New England states mentioned have retained for scores of years similar provisions in their organic laws.

Colorado amended its Constitution in 1885 to impose the duty of giving such advisory opinions upon the Supreme Court itself.

Florida has had its organic provision for very many years.

Evidently none of these states have found that the practice involved, either in declaration or observance, any sacrifice of the independence of the judicial, legislative or executive departments, or any menace to private or public right. It is not conceivable that, for instance, the enlightened and conservative state of Massachusetts would tolerate, much less have recently reaffirmed in constitutional convention, the practice of taking the advisory opinions of its judges if the practice had been unsatisfactory, sacrificial or prejudicial after over an hundred years of experience. No state's court of last resort has excelled or now excels Massachusetts in the greatness and universally recognized judicial prestige of that State's highest court; and, hence, it is fair to conclude, from that state's example and persistence in the deliberate retention of the practice of taking the advisory opinions of its judges, that from the practice no unfavorable or prejudicial consequences whatsoever have resulted to any of its governmental functions, or that thereby any private or public right has been at all prejudiced in the supreme or other courts of Massachusetts.

The pending proposal violates no provision of the Constitution of Alabama. Sections 42 and 43 of our Constitution distribute the powers of government into three distinct departments, executive, legislative, and judicial; and prohibit the exercise by one department of the powers of the other departments, or either of them, except in instances expressly directed or permitted. The prohibition expressed in section 43, restricting the several departments to their respective departmental functions, is addressed to the departments, that section being (to quote the Report of the Committee on Preamble, etc., Lomax, Chairman.—Journal of the Constitutional Convention, page 361, referring to section 38 of the report, now section 43 of the Constitution) "a new section, prohibiting the exercise by one department of the government of any of the functions of either of the other departments." Doubtless the drafting of this "new section" and the omission of section 2 of article III of the Constitution of 1875 was the result of proper regard for the illuminating discussion, by Justice Head, in *Fox v. McDonald*, 101 Alabama, p. 51. Section 2 of article III of the elder organic law was di-

rected, so far as its terms went, to the restraint of persons serving in the respective departments; not, as now (section 43), to departmental restraint within the spheres of the Constitution prescribes. In *Fox v. McDonald*, supra, it was, in effect, declared that even under the terms of section 2 of article III (of the Constitution of 1875)—now omitted—the former organic law only restricted the departmental functions to their prescribed spheres, leaving to the legislative selection, creation and discretion the means, and the personnel thereof, wherewith governmental functions outside of those assigned by the Constitution to a particular department, officer, body or functionary, might be performed; and the further pronouncement was that the nature of the function contemplated by an enactment did not determine exclusively the department to which it might be assigned for performance, unless the power sought to be conferred is expressly or by necessary implication in the Constitution referred to the “exclusive exercise” of a particular department or officer.

The Constitution makes no reference to advisory, consultative opinions by the justices. Such opinions are non-judicial—this for the obvious reason that they do not conclude any right or remedy; result in no judgment or decree; bind no one whatsoever. “The giving of advisory opinions is not the exercise of the judicial function at all, and the opinions thus given have not the quality of judicial authority.”—Annotated Cases, 1916 C, p. 739. (The giving of merely advisory, consultative opinions not being “the exercise of a judicial function,” their requirement of individuals, justices though they be, is not the imposition of a judicial duty or function; and, hence, the exaction is not the imposition or delegation to other than the judicial department of a judicial function.) Neither would such a requirement of merely advisory opinions upon request involve a delegation or subordination, in any degree, of legislative or executive power—this for the reason that the proponent of a constitutional inquiry, whether the legislature or the executive, would be entirely free to accept or to reject the response given upon request.

If, however (for the occasion only), the unsound premise is assumed that the practice of requiring advisory opinions of the justices upon constitutional questions is a function judicial in nature, the following provision of section 139 of the Constitution would seem directly to authorize the Legislature to impose the stated duty and to regulate its performance: The judicial power (otherwise than therein prescribed) of the State may be exercised “by such persons as may be by law invested with powers of a judicial nature,”—the Constitution being wholly silent with respect to this particular character of function, namely: the giving of merely advisory opinions upon request. This provision commits the choice of the agencies, the persons, to be so invested with judicial power to the law-making department; and there is no constitutional restriction that forbids the selection of the justices as the agency for the discharge of the proposed function.

The pending proposal being, in the writer’s judgment, free from constitutional objection, the only other factor in your inquiry is the policy of its acceptance in our State.

The constitutions, Federal and state, are supreme laws. All departments and all officers under Alabama’s government are constantly bound by them; are sworn to support them. In the process of legislative or executive action these supreme laws demand submission, conformity, obedience to their authority. Any agency that would substantially contribute to give precautionary assurance of conformity, obedience to these supreme laws, in respect of matters or subjects of a general public nature, is necessarily desirable; and, if made available, such an agency would be a preservative and conservative force of incalculable value and advantage to the State and its people. Recent experience, to consult no other, confirms this statement. Had the proposed practice been established at the time, it is not possible

that either the road bond amendment or the soldiers' and sailors' poll tax exemption amendment would have possessed the constitutional infirmities that caused their annulment. Their faults would have been detected in time to have allowed legislative correction—thereby avoiding unfortunate confusion, serious disappointment and resentment, the resulting loss of the large sums expended in conducting the elections thereon, and the creation of the necessity for calling the present extra session of the Legislature. Other instances where this practice would have served its conservative purpose might be readily recalled.

There is, in my judgment, no real merit in the suggestion that to invoke the merely advisory opinions of the justices, upon constitutional questions involving matters of a general public nature and on "solemn occasions" of like nature would operate to invite the justices to pre-judge concrete causes that may later come to the Supreme Court for decision. Several reasons justify this conclusion. First, such advisory opinions would very often pertain to matters or questions, of the general public nature stated, that never will or never can come to the Supreme Court's appellate consideration or decision. For instance, in all cases where the Legislature or the executive did not act raising the constitutional inquiry upon which an advisory opinion had been requested, the subject of the response could not come before the Supreme Court for judicial decision. Second, since only a person prejudiced by official act, legislative or executive, can litigate in his private capacity or have judicially determined a constitutional question, it cannot be at all certain that the subject of such advisory opinion will be presented for decision in a concrete case. Third, the decision by the Supreme Court in a concrete case on a constitutional question always contains this factor that would be wholly absent in a response by the justices to a request for a merely advisory opinion on the same question, pending action, namely: that in judicially testing the constitutionality of legislative or executive action the Supreme Court always enters upon the inquiry of constitutional validity *vel non* with the presumption, suggested by deference due from one department to another, that the other department has not violated or ignored the Constitution; and this judicial presumption requires the sustaining of the legislative or executive act unless its invalidity appears beyond a reasonable doubt. In the observance of the practice the pending proposal would establish, responses by the justices would not involve recourse to or recognition of the stated presumption pending action by the interrogation.

The pending proposal, for obtaining the merely advisory opinions of the justices upon constitutional questions of a general public nature, evinces the highest permissible form of procedure to preserve constitutional government:—it comprehends the observance of the authority of the State and Federal constitutions, and is designed to contribute, in advance, to the avoidance of their violation; it manifests a quickening of the sense of responsibility to submission and conformity to the constitutions on the part of all who owe that supreme duty to the governments, state and national. If the practice is established, the justices of the Supreme Court will have ample opportunity to render the great public service contemplated.

The practice proposed is too conservative of governmental welfare, too pregnant with preservative, precautionary good to the State and its people to be embarrassed or encumbered, at this time, by any question of compensation to the justices for the distinctive service contemplated.

In my judgment, the pending proposal is entirely sound, and should be accepted in the public interest.

Respectfully yours,
(Signed) Thos. C. McClellan.

ADDENDA.

AMERICAN PRECEDENTS FOR ADVISORY OPINIONS.

A. The Constitution of Massachusetts provides:

Chapter III.

Article II. "Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions."

B. The Constitution of Maine provides:

Article VI.

Section 3. "They (the justices of the supreme judicial court) shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the governor, council, senate, or house of representatives."

C. The Constitution of New Hampshire provides:

Article 73. "Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the superior court upon important questions of law and upon solemn occasions."

D. The Constitution of South Dakota provides:

Section 13. "The governor shall have authority to require the opinions of the judges of the supreme court upon important questions involved in the exercise of his executive powers and upon solemn occasions."

E. The Constitution of Colorado provides:

Article VI.

Section 3. "* * * * The supreme court shall give its opinion upon important questions upon solemn occasions when required by the governor, the senate, or the house of representatives; and all such opinions shall be published in connection with the reported decisions of said court."

F. The Constitution of Florida provides:

Article IV.

Section 13. "The governor may, at any time, require the opinion of the justices of the supreme court as to the interpretation of any portion of this constitution upon any question affecting his executive powers and duties, and the justices shall render such opinion in writing."

G. The Constitution of Rhode Island provides:

Article X.

Section 2. "The judges of the supreme court shall give their written opinion upon any question of law whenever requested by the governor or by either house of the general assembly."

H. The Public Statutes of Vermont, 1906, provide:

Section 1341. "The governor, when the interests of the state demand it, may require the opinion of the judges of the supreme court, or a majority of them, upon questions of law connected with the discharge of his duties. And the judges of the supreme court, or any of them, shall give an opinion in writing upon such questions."

I. Kentucky's recognition of the practice, without warrant in constitution or statute, appears in the advisory opinion of the justices, volume 79 of Kentucky Reports, pages 621 to 633, delivered in 1881.

MOTION TO PRINT.

On motion of Mr. Tompkins five hundred copies of the governor's message were ordered printed for the use of its members.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

Also:

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

Also:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restriction of membership; to give certain powers to such associations and provide how they shall do business.

Also:

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

And has passed the following House bill and returns same herewith to the House:

H. 78. To repeal an act entitled "an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur Institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry." Approved September 30, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Judiciary, S. 34.

Ways, Means and Appropriations, S. 74.

Revision of Laws, S. 25.

Agriculture, S. 59.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

S. 44. To amend subdivision (h) of section two (2) of an act entitled "An act to provide for the general revenue of the State of Alabama," approved September 15, 1919.

S. 58. To authorize cities and municipalities of more than 6,000 inhabitants to secure and provide by purchase or otherwise

adequate supplies of pure and wholesome water by authorizing such cities and municipalities to mortgage their water works, lighting and power plants and systems and all property used in connection therewith including the franchise or right to operate such plants or supplies, and any additions to be made to such plants or systems; and to pledge the revenues or net proceeds derived from such water works, electric light or power system for the payment of any debts, bonds, or other evidence of indebtedness which may be incurred or issued by the city for the construction, improvement or extension of such system or systems or plants.

S. 19. To appropriate seventy-five thousand dollars (\$75,000.00) to the State Training School for Girls for the purpose of constructing, improving, or repairing houses, buildings, or structures for the said Training School for Girls.

W. F. Miller,
Secretary.

SIGNING OF SENATE BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to House without engrossment:

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate was read one time and referred to an appropriate Standing Committee as follows:

Judiciary, S. 68.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate was read one time and referred to an appropriate Standing Committee as follows:

Revision of Laws, S. 64.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Mr. Van de Graff offered the following amendment to the bill:

"Amend section 4 of the bill by striking out the word "misdemeanor" and insert in lieu thereof the following:

"Felony, and upon conviction thereof must be sentenced to the penitentiary for a term of not less than two nor more than ten years."

On motion of Mr. Tompkins the amendment offered by Mr. Van de Graaff was laid upon the table.

Mr. Harrison offered the following amendment to the bill:

Amend section 2 of House Bill 26 by striking therefrom the following to-wit:

"Or who pickets the works or place of business of such other persons, firms, corporations, or association of persons, for the purpose of hindering, delaying or interfering with, or injuring any lawful business or enterprise of another," and inserting in lieu thereof the following to-wit: "Nothing in this act shall be construed to prevent any person or persons from engaging in lawful and peaceful acts of picketing in the interest of any lawful cause, in public places."

On motion of Mr. Tompkins, the amendment offered by Mr. Harrison was laid upon the table.

Mr. Harrison offered the following amendment to the bill:

"Amend H. B. 26 by adding section 8½ as follows: "Nothing in this act shall be construed to prevent any person or persons from entering into an agreement or understanding to cease work or terminate their employment with any employer at any time they deem necessary to their welfare."

On motion of Mr. Tompkins the amendment offered by Mr. Harrison was laid upon the table.

Mr. Carnley offered the following amendment to the bill:
 "Amend by striking out all of section 8 of said bill."

On motion of Mr. Tompkins the amendment offered by Mr. Carnley was laid upon the table.

And the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

As amended, was read a third time at length and passed.

Yeas, 48; Nays, 22.

Yeas:

Messrs:

Speaker	Dansby	Ingram	Seale
Adams	Dodson	Jones (Escambia)	Smith
Alexander	Edwards (Dallas)	Lawson	Sparks
Allen	Ellis (Bullock)	Lee (Perry)	Tompkins
Austin	Ellis (Elmore)	Long (Butler)	Trammell
Baker	Fletcher	Long (Sumter)	Truss
Benners	Green	Matthews (Wilcox)	Tunstall
Blunt	Guy	Mitchell	Van de Graaff
Bracken	Hall	Oliver	Varner
Christian	Hare	Parker	Waddell
Clayton	Hawkins	Pittman	Wilson
Cliett	Howle	Salter	Woodard

—48

Nays:

Messrs:

Albright	Fuller	Milford	Ross
Arnold	Gilbreath	McDonald	Russell
Barganier	Hale	Orr	Shaw
Burleson	Harrison	Partridge	Stewart
Cobbs	Johnson	Robertson	Williamson
Downs	Longshore		

— 22

On motion of Mr. Tompkins, the bill was ordered sent forthwith to the Senate without engrossment.

BILL ON THIRD READING.

S. 15. To amend sections 28, 29 and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911; and to amend section 24 of said code.

Was read a third time at length and passed.

Yeas, 66; Nays, 0.

Yeas:

Messrs:

Speaker	Barganier	Cliett	Fuller
Adams	Benners	Cobbs	Gilbreath
Albright	Blunt	Dansby	Green
Alexander	Bracken	Downs	Guy
Allen	Burleson	Edwards (Dallas)	Hall
Arnold	Carnley	Ellis (Bullock)	Hale
Austin	Christian	Ellis (Elmore)	Hare
Baker	Clayton	Fletcher	Harrison

Hawkins	Matthews (Wilcox)	Robertson	Trammell
Howle	Milford	Salter	Truss
Ingram	Mitchell	Seale	Van de Graaff
Jones (Escambia)	McDonald	Shaw	Varner
Johnson	Oliver	Smith	Waddell
Lawson	Orr	Sparks	Williamson
Lee (Perry)	Parker	Stewart	Wilson
Long (Sumter)	Partridge	Tompkins	Woodard
Longshore	Pittman		

—66

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has amended and as amended as therein shown has passed :

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Ross, the House concurred in and adopted the Senate amendment to the bill H. 30, said Senate amendment being as follows:

Amend said bill by striking out section three and inserting in lieu thereof the following:

Section three. Service of process in such action against such organization or association shall be had by service upon any officer or official member of such organization or association, or upon any officer or official member of any branch or local of such organization or association, provided that any such organization or association may file with the Secretary of State a designated officer or agent upon whom service shall be had and his residence within the State and if such designation is so made and filed, service of process shall be had only on the officer or agent so designated if he can be found within the State.

Yeas, 62 Nays, 3.

Yeas:

Messrs:

Speaker	Benners	Dansby	Hall
Adams	Blunt	Downs	Hale
Albright	Bracken	Edwards (Dallas)	Hare
Alexander	Burleson	Ellis (Elmore)	Hawkins
Allen	Christian	Fletcher	Howle
Arnold	Clayton	Fuller	Ingram
Baker	Cliett	Gilbreath	Jones (Escambia)
Barganier	Cobbs	Guy	Johnson

Lawson	McDonald	Russell	Truss
Lee (Perry)	Oliver	Salter	Van de Graaff
Long (Butler)	Orr	Seale	Varner
Long (Sumter)	Parker	Smith	Waddell
Longshore	Partridge	Sparks	Williamson
Matthews (Wilcox)	Pittman	Tompkins	Wilson
Milford	Robertson	Trammell	Woodard
Mitchell	Ross		
			—62
<i>Nays:</i>			
<i>Messrs:</i>			
Carnley	Harrison	Stewart	—3

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 65. To provide for the election of a trustee for the Alabama State department of archives and history for the State of Alabama for the tenth congressional district of Alabama.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate was read one time and referred to an appropriate Standing Committee as follows:

Revision of Laws, S. 65.

BILL ON THIRD READING.

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama. To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

Was read a third time at length and passed.
Yeas, 57; Nays, 0.

Yeas:

Messrs:

Speaker

Adams

Albright

Alexander

Allen

Arnold

Austin

Baker

Barganier

Blunt

Bracken

Burleson

Carnley

Clayton

Cliett

Cobbs

Dansby

Downs

Edwards (Dallas)

Ellis (Bullock)

Ellis (Elmore)

Fuller

Gilbreath

Green

Hall

Hare

Harrison

Hawkins

Howle

Ingram

Jones (Escambia)

Johnson

Lawson

Long (Butler)

Long (Sumter)

Matthews (Wilcox)

Milford

Mitchell

Orr

Parker

Partridge

Pittman

Russell

Salter

Seale

Shaw

Smith

Sparks

Stewart

Tompkins

Trammell

Truss

Tunstall

Van de Graaff

Waddell

Wilson

Woodard

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CERTIFICATE OF CLERK.

I hereby certify that the following bills were delivered to the governor on the date and have named and that I hold the receipt of the executive department for same:

Oct. 21, 1921, 3:10 p. m.

H. 22. To propose an amendment to the Constitution which will exempt certain persons who served in the military or naval services of the United States between January 1, 1917, and November 11, 1918, from liability and payment of poll taxes, and to qualify such persons to vote or to hold office in the State of Alabama; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present Special Session of the Legislature.

Oct. 24, 1921, 3:03 p. m.

H. 19. To appropriate fifty-five thousand (\$55,000) dollars for defraying the expenses of the Special Session of the Legislature of Alabama, and to provide the manner of paying certain travelling expenses incurred by the Legislature for a special train for the use of the Legislature.

Fred H. Gormley,
Clerk.

ADJOURNMENT.

On motion of Mr. Waddell, the House adjourned until tomorrow morning at 10 o'clock.

FIFTEENTH DAY.

House of Representatives,
Tuesday, October 25th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. W. R. Bickerstaff of the city.

ROLL CALL.

On a call of the roll of the House, the following members answered to their names:

Messrs:			
Speaker	Deeso	Howle	Ross
Adams	Dodson	Ingram	Russell
Albright	Downs	Jones (Escambia)	Salter
Alexander	Dunaway	Johnson	Scale
Allen	Edwards (Dallas)	Lawson	Shaw
Arnold	Ellis (Bullock)	Leo (Perry)	Simpson
Austin	Ellis (Elmore)	Long (Butler)	Smith
Baker	Fuller	Long (Sumter)	Sparks
Barganier	Gilbert	Matthews (Wilcox)	Stewart
Blunt	Gilbreath	Milford	Tompkins
Bracken	Graham	Mitchell	Trammell
Burleson	Green	Moorer	Truss
Calvert	Guy	McDonald	Tunstall
Carnley	Hall	McLeod	Van de Graaff
Clayton	Hale	Orz	Varner
Cliett	Hare	Parker	Waddell
Cobbs	Harrison	Partridge	Williamson
Collins	Hawkins	Fittman	Wilson
Crump	Hollis	Reynolds	Woodard
Dansby	Holmes	Robertson	

—79

A quorum was present.

JOURNAL.

The chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the fourteenth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the Journal for the fourteenth day was approved.

RESOLUTIONS.

The following resolutions were introduced:

By Mr. Woodard:

H. R. 41. Be it resolved by the House that during the remainder of the session no member shall speak more than five minutes at any time and the Speaker of the House is hereby directed to enforce this rule.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Waddell:

H. J. R. 42. Whereas, there was appointed a joint committee of the House and Senate of the Legislature of Alabama at the regular session, 1919, for the purpose of investigating the highway department and the convict department, which committee made its formal report to the regular session of the Legislature of 1919,

And whereas, said committee was required by the governor to meet and investigate the convict department for the purpose of making a report on said department to the special session of the Legislature of Alabama,

And whereas, it is uncertain whether or not under the provisions of the law the members of said committee are entitled to be paid their per diem during the time they were engaged in making such investigation,

Now therefore, be it resolved by the House, the Senate concurring, that the members of said committee be paid their per diem for each day engaged in the investigation of said convict department, and that the same be paid out of the appropriation heretofore made for the expenses of this special session of the Legislature of Alabama.

On motion of Mr. Waddell, the rules were suspended and the resolution was adopted.

By Mr. Tompkins:

H. R. 43. Be it resolved by the House, the Senate concurring that the Legislative special train heretofore ordered by joint resolution, leave Birmingham on the return trip to Montgomery at 6:30 o'clock Wednesday, October 26, 1921.

On motion of Mr. Tompkins, the rules were suspended and the resolution was adopted.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Deese (with notice and proof) :

H. 124. To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment for same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

Local Legislation.

Notice and Proof H. 124:

NOTICE OF LOCAL BILL

Notice is hereby given that at the approaching extraordinary session of the Legislature of Alabama a local bill for Dale county will be introduced, and that this bill will be in substance and to the effect as follows:

A BILL

To be entitled an act, to provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment for same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

The Constitution of Alabama requires that local bills be advertised for four weeks in a paper published in the county to be affected by the operation of the proposed bill. If the forth-coming extra session of the Legislature remains in session long enough for me to give the above bill the necessary advertising, I will introduce it and work to have it passed. Should adjournment come before the four weeks advertising, it cannot, of course, be introduced.

Very truly,

Frank O. Deese.

State of Alabama, }
Dale County. }

I, John Q. Adams, hereby certify that I am the owner and publisher of the Southern Star, a weekly newspaper published at Ozark, Dale county, Alabama, and that notice of the proposed bill hereto attached has been given for four successive weeks as required by the Constitution of Alabama in the case of local bills.

John Q. Adams.

October 25, 1921.

Before me, Peter A. Brannon, a notary public, in and for the said County of Montgomery, appeared this October 25, 1921, the said John Q. Adams, who certifies that the signature to the above statement is his.

Done at Montgomery, this October 25, 1921.

(Seal)

Peter A. Brannon,
Notary Public.

By Mr. Barganier:

H. 125. To provide that women shall have the same rights, privileges, and immunities under the law as men.

Revision of Laws.

By Mr. Harrison:

H. 126. To amend an act approved September 5th, 1919, entitled, an act to further extend the power and authority of Boards of Revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Local Legislation.

By Mr. Seale (with notice and proof):

H. 127. To pay the town of Livingston for a school building and lot conveyed by said town to the State for the State normal school located at Livingston.

Local Legislation.

Notice and proof H. 127:

IMPORTANT NOTICE.

Notice is hereby given as provided by law that a bill will be introduced in the Legislature of Alabama for the appropriation of the sum of twenty thousand dollars to reimburse or pay the town of Livingston for a school building and lot conveyed by said town to the State of Alabama for the State normal school.

M. E. McConnell, Mayor.

State of Alabama, }
Sumter County. }

Before me, H. J. Wallace, a notary public in and for said State and county, personally came S. E. Hill, who being by me first duly sworn, deposes and says: That he is the editor of the Sumter County Journal, published in Sumter county, Alabama, that the attached notice of a bill to be introduced in the Legislature of Alabama to pay the town of Livingston for a school building and lot conveyed by the said town of Livingston to the State of Alabama for the State normal school was published in said Sumter County Journal for four consecutive weeks, being in the issues of September 30th, 1921, October 7th, October 14th and October 21st, 1921.

S. E. Hill,

Sworn to and subscribed before me on this, the 21st day of October, 1921.

H. J. Wallace, Notary Public,
Sumter County, Alabama.

By Mr. Murphree:

H. 128. To amend section 12 of an act "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

Ways, Means and Appropriations.

REPORT OF STANDING COMMITTEES.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 123. To amend section 1411 of the Code of Alabama of 1907.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

S. 60 (with amendment). To amend section 3026 of the Code of Alabama.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 65. To provide for the election of a trustee for the Alabama State department of archives and history for the State of Alabama for the tenth congressional district of Alabama.

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

H. 101. To amend section 3317 of the Code of Alabama 1907, relating to the publication of receipts and disbursements by counties.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 115. To authorize the Commissioner's Court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

H. 108 (with amendment). To provide for the control, working, maintenance, building and improvement of the public roads and bridges in counties in this State having, according to the last or any subsequent federal census, two hundred thousand inhabitants or more.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 114. To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising of revenue for the same; to authorize the commissioners' court to levy a vehicle tax on all automobiles, motor trucks and all motor vehicles of every kind, and all carts, drays, log drays, hacks, surries, carriages and buggies owned and operated by the citizens of Conecuh county, Alabama, over and along the public roads of Conecuh county, Alabama; to provide the manner in which said tax shall be assessed and collected; to prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting said taxes; to provide the manner in which said tax so levied and collected shall be used; to provide a penalty and punishment for violating the act in failing to pay the tax so assessed; and to repeal all conflicting laws insofar as they apply to Conecuh county, Alabama.

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness' fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

H. 121. To authorize the sheriffs of such counties on a salary basis to employ an attorney to represent him and to fix the manner of compensation of such attorney.

Mr. Long, of Sumter, chairman of the Standing Committee on Agriculture, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without

capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 68. To amend section 3983, of the Code of 1907. (Volume 2, page 630, of the Code of 1907).

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

H. 118. To amend section 3482 of the Code of Alabama of 1907.

Mr. Carnley, chairman of the Standing Committee on Temperance, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 42. To amend subdivision one, of section thirteen of an act entitled an act to further suppress the evils of intemperance, to restrict the receipt, possession and delivery of spirituous, vinous, malted, fermented or other intoxicating or prohibited liquors and beverages, and fixing punishment and penalties approved January 25, 1919.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session had acted on the following bills and ordered same returned to the House with a favorable report:

H. 106. To provide for the payment of the costs of chartering a special train in which to convey the members of the Legislature from Montgomery, Alabama, to Birmingham, Alabama, and return on the 26th day of October, 1921.

H. 111. To provide further for the expenses of treatment of indigent persons who have been bitten by mad dogs or other mad animals.

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

H. 107. To amend schedule 79 of section 361 of an act entitled an act, to provide for the general revenue of the State of Alabama.

S. 61. To provide for the protection and preservation of the cemetery at Cahaba, the first capital of the State.

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

The above and foregoing bills were severally read a second time and placed on the calendar.

BILLS REPORTED ADVERSELY.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with an adverse report:

H. 97. To repeal section 2069 of the Code of 1907 of State of Alabama.

H. 105. To repeal an act entitled "An act authorizing and regulating certain classes of indemnity contracts, empowering corporations to make such contracts and fixing certain fees and the penalty for violations thereof," Approved August 25, 1915.

Mr. McLeod, chairman of the Standing Committee on Public Health, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 110. To provide that any dentist or dental surgeon who has as much as twenty years experience in the practice of dentistry shall be entitled to practice dentistry, or dental surgery in Alabama upon the presentation to the Board of

Dental Examiners of the State of Alabama satisfactory evidence of his having had twenty years experience as a dentist, together with a written recommendation, signed by five or more reputable dentists, or dental surgeons, practicing their profession in the State of Alabama.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same here with to the House.

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

And has amended as therein shown and as amended has passed:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

W. F. Miller,
Secretary.

SENATE MESSAGE.

Mr. Orr moved to concur in the Senate amendment to the bill, H. 45, said Senate amendment being as follows:

Amend section 11 of H. B. 45 by striking therefrom the words: "Provided they must provide a way for the public to travel."

Amend section 1, line 25 after the two words "expired term" and beginning a new sentence in lieu of the word "seven" insert the word "three" so that it shall read "three of the members of the State highway commission shall constitute quorum, etc."

Amend section 8 House Bill 45 as follows:

After the words "any county or municipal official who" insert the words "wilfully and without just excuse."

Amend section 18 by adding after the word "such" in the fourth line, the word "buildings."

And the motion to concur was lost:

Yeas, 12; Nays, 63.

Yeas:

Messrs:

Arnold

Blunt

Bracken

Burleson

Collins

Long (Sumter)

Matthews (Wilcox)

Orr

Robertson

Seale

Shaw

Truss

Nays:

Messrs:

Speaker	Dunaway	Howle	Russell
Adams	Edwards (Dallas)	Ingram	Salter
Albright	Ellis (Bullock)	Jones (Escambia)	Simpson
Alexander	Ellis (Elmore)	Johnson	Smith
Allen	Fletcher	Lawson	Sparks
Austin	Gilbert	Lee (Perry)	Stewart
Barganier	Gilbreath	Long (Butler)	Tompkins
Calvert	Green	Milford	Trammell
Carnley	Guy	Mitchell	Tunstall
Clayton	Hall	Moorer	Van de Graaff
Cliett	Hale	McDonald	Varner
Cobbs	Hare	Oliver	Waddell
Crump	Harrison	Parker	Williamson
Dansby	Hawkins	Partridge	Wilson
Deese	Hollis	Pittman	Woodard
Downs	Holmes	Reynolds	

—63

And the House asked for a Committee of Conference on the disagreement of the two houses, on Senate amendment to the bill, H. 45, and the Speaker named as Committee of Conference on part of the House, Messrs. Orr, Tompkins and Sparks.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

W. F. Miller,
Secretary.

SPECIAL ORDER.

The House proceeded to the consideration of the special order, which was the Senate amendment to the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Said Senate amendment being set out in full in the Journal of the thirteenth legislative day, dated October 21st, 1921.

On motion of Mr. Orr the House concurred in and adopted the Senate amendment to the bill, H. 44.

Yeas, 74; Nays, 9.

Yeas:

Messrs:

Speaker	Dodson	Jones (Escambia)	Robertson
Adams	Dunaway	Jones (Marengo)	Russell
Albright	Edwards (Dallas)	Johnson	Salter
Alexander	Ellis (Bullock)	Lawson	Seale
Allen	Ellis (Elmore)	Long (Sumter)	Shaw
Andrews	Fletcher	Matthews (Wilcox)	Simpson
Arnold	Fuller	Milford	Smith
Austin	Gilbert	Mitchell	Sparks
Baker	Gilbreath	Moorer	Stewart
Blunt	Green	Murphree	Tompkins
Bracken	Hall	McDonald	Trammell
Burleson	Hale	Oakley	Truss
Calvert	Hare	Oliver	Tunstall
Cliett	Harrison	Orr	Van de Graaff
Cobbs	Hawkins	Parker	Varner
Collins	Hollis	Partridge	Waddell
Crump	Holmes	Pittman	Wilson
Dansby	Howle	Reynolds	Woodard
Deese	Ingram		

—74

Nays:

Messrs:

Barganier	Downs	Lee (Perry)	McLeod
Carnley	Guy	Long (Butler)	Williamson
Clayton			

—9

And the bill:

H. 44. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Containing the proposed constitutional amendment, as amended by the Senate, was read again at length and passed.

Yeas, 74; Nays, 9.

Yeas :**Messrs :**

Speaker	Dodson	Jones (Escambia)	Robertson
Adams	Dunaway	Jones (Marengo)	Russell
Albright	Edwards (Dallas)	Johnson	Salter
Alexander	Ellis (Bullock)	Lawson	Seale
Allen	Ellis (Elmore)	Long (Sumter)	Shaw
Andrews	Fletcher	Matthews (Wilcox)	Simpson
Arnold	Fuller	Milford	Smith
Austin	Gilbert	Mitchell	Sparks
Baker	Gilbreath	Moorer	Stewart
Blunt	Green	Murphree	Tompkins
Bracken	Hall	McDonald	Trammell
Burleson	Hale	Oakley	Truss
Calvert	Hare	Oliver	Tunstall
Cliett	Harrison	Orr	Van de Graaff
Cobbs	Hawkins	Parker	Varner
Collins	Hollis	Partridge	Waddell
Crump	Holmes	Pittman	Wilson
Dansby	Howle	Reynolds	Woodard
Deese	Ingram		

—74

Nays :**Messrs :**

Barganier	Downs	Lee (Perry)	McLeod
Carnley	Guy	Long (Butler)	Williamson
Clayton			

—9

MESSAGE FROM THE SENATE.**Mr. Speaker :**

The Senate has received the accompanying message from his excellency, the governor, proposing an amendment to the bill:

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

Said message being in words and figures as follows:

To the Senate of Alabama:

I herewith return Senate Bill No. 6 with the following amendment:

"Amend section 2 of the bill by inserting the words "Section 1" in lieu of the words "Section 2" where the same immediately follow the words "benefit of" and also where said words, "Section 2" immediately follow the words "circumstances named in."

This amendment is for the purpose of correcting apparent clerical errors.

Respectfully,

Thomas F. Kilby,
Governor.

October 25, 1921.

And the Senate has concurred in and adopted the amendment proposed by the governor by a vote of 21 yeas and no nays.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Tompkins, the House concurred in and adopted the amendment proposed by the governor to the bill, S. 6, said governor's amendment being set out in the above and foregoing message from the Senate.

Yeas, 74; Nays, 0.

Yeas:

Messrs:

Speaker	Crump	Howle	Reynolds
Adams	Dansby	Ingram	Robertson
Albright	Deese	Jones (Escambia)	Russell
Alexander	Dodson	Jones (Marengo)	Salter
Allen	Downs	Johnson	Seale
Andrews	Dunaway	Lawson	Shaw
Arnold	Edwards (Dallas)	Long (Butler)	Simpson
Austin	Ellis (Bullock)	Long (Sumter)	Smith
Baker	Ellis (Elmore)	Matthews (Wilcox)	Sparks
Barganier	Gilbert	Mitchell	Tompkins
Blunt	Gilbreath	Murphree	Trammell
Bracken	Green	McLeod	Truss
Burleson	Guy	Oakley	Van de Graaff
Calvert	Hall	Oliver	Varner
Carnley	Hale	Orr	Waddell
Clayton	Hare	Parker	Williamson
Cliett	Harrison	Partridge	Wilson
Cobbs	Hollis	Pittman	Woodard
Collins	Holmes		

—74

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request for a Committee of Conference on the disagreement of the two houses on the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And the presiding officer of the Senate has named as conferees on the part of the Senate Messrs. Rogers, of Sumter, Brown and Kelly.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Carmichael:

S. J. R. 32. Resolved by the Senate, the House concurring, that it is the sense of the Legislature that only elective State officers are included within the invitation to accompany the Leg-

islature, its officers and clerks to attend Birmingham's semi-centennial celebration.

Resolved further, that this is a legislative construction of the joint resolution heretofore adopted.

And sends same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 32, which is set out in the above and foregoing message from the Senate.

COMMUNICATION READ.

The following telegram was read by the Clerk and was ordered spread upon the journal:

St. Washington, D. C., 11:55 a. 25

Hon. S. A. Lynne, Speaker,
Montgomery, Ala.

I had hoped to have the pleasure of addressing the members of the Legislature in joint session next Friday but because of an effort on the part of Republican leaders in the House to hold up the good roads appropriation and because of the expected vote on the tax bill the last of this week, I feel that I should remain here until these two measures are disposed of. While deeply appreciating the honor done me through the invitation extended I must, under the circumstances, forego the pleasure of being with you October twenty-eighth.

Sincerely,
J. Thos. Heflin.

REPORT OF RULES COMMITTEE.

Mr. Tompkins, acting chairman of the Rules Committee, returned to the House S. J. R. 29, with an amendment; said amendment making the adjournment hour for five o'clock today at which time the members of both houses should visit Camp Kilby.

The amendment was adopted and the Senate joint resolution was concurred in and adopted.

RECESS.

On motion of Mr. Parker, the House recessed until 3 o'clock p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Also:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Also:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

And finds same correctly enrolled.

B. deG. Waddell,
Acting Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the amendment proposed by the House to Senate Joint Resolution 29 relative to the members of the Legislature making an inspection of the road machinery donated to the State by the United States government.

W. F. Miller,
Secretary.

BILL ON THIRD READING.

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities for the exclusive use and purposes of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns and municipalities and the inhabitants thereof, and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this special session of the Legislature.

Was taken up. Mr. Cliett offered the following amendment to the bill :

Amend the caption of the bill by striking out the words "at the general election next succeeding the session of this special session of the Legislature" and inserting in lieu thereof the following words "on the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed."

Also amend Senate Bill 11 by striking out of section 1 the following words "at the general election next succeeding the session of the present extra session of the Legislature at which this amendment is proposed" and inserting in lieu thereof the following words "on the first Monday after the expiration of three months from and after the final adjournment of the pres-

ent extra session of the Legislature at which this amendment is proposed."

On motion of Mr. Dansby, the amendment offered by Mr. Cliett was laid upon the table.

Mr. Sparks offered the following amendment to the bill:

"Amend Sec. (1) Senate Bill 11 by striking out the following words in lines 13 and 14 "when authorized by the Legislature" also amend section 3 by striking out the following words in line 11 of said section: "when authorized by the Legislature."

And the amendment was adopted.

Yeas, 73; Nays, 1.

Yeas:

Messrs:

Speaker	Dunaway	Jones (Escambia)	Russell
Adams	Edwards (Dallas)	Jones (Marengo)	Salter
Albright	Ellis (Bullock)	Johnson	Seale
Alexander	Ellis (Elmore)	Lawson	Shaw
Allen	Fletcher	Leo (Perry)	Simpson
Andrews	Fuller	Long (Sumter)	Smith
Arnold	Gilbert	Matthews (Wilcox)	Sparks
Baker	Gilbreath	Milford	Stewart
Blunt	Green	Mitchell	Tompkins
Bracken	Guy	Moorer	Trammell
Burleson	Hall	Murphree	Truss
Calvert	Hale	McDonald	Tunstall
Carnley	Hare	McLeod	Van de Graaff
Cliett	Harrison	Oakley	Varner
Cobbs	Hawkins	Or-	Waddell
Collins	Hollis	Partridge	Williamson
Dansby	Howle	Pittman	Wilson
Deese	Ingram	Robertson	Woodard
Dodson			

—73

Nays:

Mr. Long of Butler—1.

And the bill:

S. 11. To propose an amendment to the Constitution, so as to authorize cities, towns and municipal corporations to levy and collect a special tax and to incur debts in addition to those taxes now authorized to be levied, and in addition to the debts now authorized to be incurred by such cities, towns, and municipalities, for the exclusive use and purpose of constructing, installing, acquiring, operating, repairing, and maintaining a water works system and water supplies for such cities, towns and municipalities and the inhabitants thereof, and to order an election by the qualified electors of the State upon such proposed amendments to be held at the general election next succeeding the session of this Special Session of the Legislature.

As amended, was read a third time at length and passed.

Yeas, 71; Nays, 7.

*Yeas:**Messrs:*

Speaker	Deese	Howle	Robertson
Adams	Dunaway	Ingram	Ross
Albright	Edwards (Dallas)	Jones (Escambia)	Russell
Alexander	Ellis (Bullock)	Jones (Marengo)	Salter
Allen	Ellis (Elmore)	Lawson	Seale
Andrews	Fletcher	Lee (Perry)	Shaw
Arnold	Fuller	Long (Sumter)	Sparks
Baker	Gilbert	Matthews (Wilcox)	Stewart
Blunt	Gilbreath	Milford	Tompkins
Bracken	Green	Mitchell	Trammell
Burleson	Guy	Moorer	Truss
Calvert	Hall	Murphree	Tunstall
Clayton	Hale	McDonald	Van de Graaff
Cliett	Hare	McLeod	Varner
Cobbs	Harrison	Oakley	Waddell
Collins	Hawkins	Orr	Wilson
Crump	Hollis	Partridge	Woodard
Dansby	Holmes	Pittman	

—71

*Nays:**Messrs:*

Carnley	Johnson	Simpson	Williamson
Dodson	Long (Butler)	Smith	

—7

REPORT OF CONFERENCE COMMITTEE.

On motion of Mr. Green the House concurred in and adopted the conference report on the disagreement of the two houses on the Senate amendment to the bill, H. 45, said report of the Conference Committee being as follows:

REPORT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 45

To the Speaker of the House of Representatives, and to the President of the Senate:

Your Committee of Conference beg leave to make the following unanimous report:

We recommend that the House concur in the following Senate amendments, which amendments are as follows:

"Amend section 8, House bill No. 45, as follows:

"After the words 'any county or municipal official who' insert the words 'willfully and without just excuse.'"

"Amend section 11 of H. bill 45 by striking therefrom the words: 'Provided they must provide a way for the public to travel.'"

"Amend section 18 by adding after the word 'such' in the fourth line the word 'buildings.'"

We also recommend that the House non-concur in the Senate amendment which reads as follows:

"Amend section 1, line 25, after the two words 'expired term' and beginning a new sentence in lieu of the word 'seven' insert

the word 'three' so that it shall read 'three of the members of the State highway commission shall constitute quorum, etc.' "

And that the Senate recede from its action as to this last Senate amendment above set forth.

Respectfully submitted,

Jno. Rogers,
Watt T. Brown,
Riley Kelly,
Committee on part of Senate.
O. L. Tompkins,
Thos. E. Orr,
Chauncey Sparks.
Committee on part of House.

Yeas, 72; Nays, 0.

Yeas:

Messrs:

Speaker	Deese	Ingram	Robertson
Adams	Dodson	Jones (Escambia)	Ross
Albright	Dunaway	Jones (Marengo)	Russell
Alexander	Edwards (Dallas)	Johnson	Salter
Allen	Ellis (Bullock)	Lawson	Seale
Andrews	Ellis (Elmore)	Long (Sumter)	Shaw
Arnold	Fletcher	Matthews (Wilcox)	Simpson
Baker	Fuller	Milford	Smith
Blunt	Gilbert	Mitchell	Sparks
Bracken	Gilbreath	Moorer	Stewart
Burleson	Green	Murphree	Tompkins
Calvert	Guy	McDonald	Trammell
Carnley	Hale	McLeod	Truss
Clayton	Hare	Oakley	Tunstall
Cliett	Harrison	Orr	Van de Graaff
Cobbs	Hawkins	Parker	Varner
Collins	Holmes	Partridge	Williamson
Dansby	Howle	Pittman	Woodard

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested.

S. 15. To amend sections 28, 29, and 32 of the Code of Alabama of 1907 which said sections were amended by an act approved April 8, 1911: and to amend section 24 of said code.

S. 29. For the further protection of salt water shrimp within the waters of the State of Alabama and within the waters subject to the territorial jurisdiction of said State. To provide that no non-resident of the State of Alabama shall take, transport or have in possession any such fresh salt water shrimp at any season of the year; to provide that no person, firm, partnership or corporation shall ship, transport, take or carry by any manner or means whatsoever, during any month of the year, to any point

beyond the boundary line of the State of Alabama any raw shrimp or shrimp in the fresh state, taken in the waters of this State or the waters subject to the territorial jurisdiction of the State of Alabama." To authorize the issuance of licenses to persons seining or trawling for such salt water shrimp; to provide a license on all boats used for the purpose of drawing a seine, or trawl, used in catching such salt water shrimp, or hauling or carrying such shrimp; to provide a tax on all salt water shrimp taken in the waters within the State of Alabama, or within the waters subject to the territorial jurisdiction of said State, and to provide penalties for violations of the provisions of this act.

S. 6. To provide for refund of money paid into the State treasury for bonds or securities issued or proposed to be issued under provision of an invalid act, resolution or proposed amendment to the State Constitution.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills the titles to which are set out in the above and foregoing message from the Senate.

CERTIFICATE OF CLERK.

I hereby certify that the following bills were delivered to the governor on the date and hour named and that I hold the receipt of the executive department for same.

October 25, 1921. 4 p. m.

H. 30. Providing for actions by and against unincorporated organizations or associations and regulating the procedure thereof.

Also:

H. 47. To create the office of county treasurer for Lauderdale county, prescribe his duties, fix his salary and provide a method of appointment and election to said office.

Also:

H. 68. To authorize and empower boards of revenue in counties having a population of not less than 75,000 and not more than 95,000 inhabitants according to the Federal census of 1920, and which may hereafter have such population according to any Federal census hereafter taken, to expend county funds not exceeding \$2,500 per annum for county purposes not otherwise provided for by law.

Also:

H. 78. To repeal an act entitled an act for the protection of human beings and of live stock of all kinds. To impose a license on dogs over the age of three months and to provide further that dogs running at large, except fox hounds and deer hounds wearing collars upon which the owners' names and addresses are printed or written, shall wear muzzles; to require the registration of all dogs by the circuit clerk in their respective counties; to provide for the necessary supplies to carry this act into effect and to provide for compensating the circuit clerk for his services as required herein; to provide that the funds derived from the license on dogs herein imposed by this act shall be paid to the State treasurer and kept separate and apart, and shall be known as the dog tax fund which fund shall be used in defraying the traveling expenses to and from the State Pasteur institute of persons who have been bitten by mad dogs and who are unable to defray their own expenses, also their expenses while under treatment at this institute; likewise the funds created by this act shall be used in remunerating persons who sustain loss from dogs crippling or killing their live stock and poultry. Approved September 30, 1919.

Fred H. Gormley,
Clerk.

MOTION TO TAKE FROM ADVERSE CALENDAR.

Mr. Carnley called up his motion to take from the Adverse Calendar House Bills 13 and 14 relating to the abolition of the Law Enforcement Department.

Mr. Baker moved to table the motion of Mr. Carnley, and the motion to table prevailed.

Yeas, 48; Nays, 24.

Yeas:

Messrs:

Speaker	Crump	Howle	Oakley
Adams	Dansby	Ingram	Orr
Alexander	Deese	Jones (Escambia)	Partridge
Allen	Dunaway	Jones (Marengo)	Pittman
Andrews	Edwards (Dallas)	Lawson	Seale
Austin	Ellis (Bullock)	Long (Sumter)	Sparks
Baker	Gilbert	Matthews (Wilcox)	Tompkins
Blunt	Gilbreath	Milford	Trammell
Bracken	Green	Mitchell	Varnier
Cliett	Hall	Moorer	Waddell
Cobbs	Hawkins	Murphree	Wilson
Collins	Holmes	McDonald	Woodard

Nays:

Messrs:

Albright	Carnley	Ellis (Elmore)	Hale
Burleson	Clayton	Fuller	Hare
Calvert	Dodson	Guy	Harrison

Johnson
Lee (Perry)
Long (Butler)

Parker
Russell
Salter

Shaw
Simpson
Smith

Truss
Van de Graaff
Williamson

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MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 57. To divide the State into judicial circuits for the circuit court to be numbered and composed of the counties named.

W. F. Miller,
Secretary.

SENATE MESSAGE.

Mr. Speaker :

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Revision of Laws, S. 57.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses to the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And returns said bill together with the conference report to the House.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker :

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 78. To amend an act entitled an act to provide for instruction in regard to the humane protection of animals in the public schools, approved September 29, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Education, S. 78.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended as therein shown and as amended has concurred in and adopted H. J. R. 43, relative to the return of the legislative special train from Birmingham.

And returns said resolution herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House refused to concur in the Senate amendment to H. J. R. 43 and asked for a Committee of Conference. The Speaker named as Committee of Conference on part of the House, Messrs. Tunstall, Austin and Fuller.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a Committee of Conference on the disagreement of the two houses relative to H. J. R. 43 relating to the time of arrival and departure of "legislative special" for Birmingham, and names as conferees on the part of the Senate Messrs. Carmichael, West and McDowell.

W. F. Miller,
Secretary.

BILL ON THIRD READING.

H. 35 (with substitute). To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

Was taken up. The question was upon the adoption of the substitute, reported by the Standing Committee on Revision of Laws, said substitute being as follows:

A BILL

To be entitled an act to provide and submit to the qualified electors of the State of Alabama, at an election to be held on the

first Monday after the expiration of three months, from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Talladega and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Be it enacted by the Legislature of Alabama:

Section 1. That the following amendment to the Constitution of Alabama is hereby proposed to be submitted to the qualified electors of the State of Alabama for their consideration at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed, to-wit:

The following municipal corporations, Jasper, Cordova, Dora, Talladega and Tuscaloosa, through their respective constituted governing authorities may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Section 2. That it shall be the duty of the governor to give notice by proclamation, to be published in one newspaper in each county in the State at least eight successive weeks next preceding the day hereby appointed for such election on the amendment hereby proposed by this act to be submitted to the qualified electors of the State for their consideration, together with the proposed amendment.

Section 3. That at said election on the amendment proposed by this act to be submitted to the qualified electors of the State for their consideration, to be held as herein provided, the qualified electors shall vote upon said amendment, and on the official ballots printed for such election there shall be printed the following, viz., "Shall the following be adopted as an amendment to the Constitution of Alabama; The following municipal corporations, Jasper, Cordova, Dora, Talladega and Tuscaloosa, through their respective constituted governing authorities may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge, or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto which said special school taxes shall be in excess of said one per centum herein provided for." Following the proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the electors shall be indicated by a cross mark made by him, or under his direction, opposite the word expressing his desire.

Section 4. That the officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as provided by the election law of the State for the appointment of officers to hold general elections in this State, and the election shall be held in all things in accordance with the law governing general elections and with the constitutional provision concerning amendments to that instrument.

Section 5. That the votes cast at said election shall be counted, canvassed and tabulated and return made to the secretary of State in the same manner as in elections of representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same such amendment shall be valid in all intents and purposes as a part of the Constitution of Alabama. The result of such election shall be made known by the proclamation of the governor.

Section 6. The expenses of the election herein provided for shall be paid out of the State treasury in the same manner as the expenses of other general elections are paid.

Mr. Dansby offered the following amendment to the substitute:

Amend substitute for House Bill 35 as follows, to-wit:

Amend the caption of said bill by striking out the following: "at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed" and insert in lieu thereof the following, to-wit: "at the next general election,"

And the amendment was adopted.

Mr. Dansby offered the following amendment to the substitute:

Amend section one of the substitute bill as follows, to-wit: By striking out the words, "at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature at which this amendment is proposed," and insert in lieu thereof the following: "at the next general election."

And the amendment was adopted.

Mr. Cobbs offered the following amendment to the substitute: "Strike out general and insert primary before election."

Mr. Dansby moved to table the amendment offered by Mr. Cobbs and the motion prevailed.

Mr. Wilson offered the following amendment to the substitute:

Amend the title of the substitute for the bill and each section of the substitute for the bill in which the word "Dora" occurs, by inserting after the word "Dora" wherever such word occurs the word "Oxford" so as to include Oxford as one of the municipalities which shall be authorized to increase its taxes.

And the amendment to the substitute was adopted.

Mr. Cobbs offered the following amendment to the substitute: Amend the bill by inserting the word "Citronelle" just after "Talladega" wherever the latter occurs in the title and body.

And the amendment was adopted.

Mr. Tunstall offered the following amendment to the substitute:

Amend substitute to House Bill 35 as follows to-wit:

By striking out section 6 of said substitute:

And the amendment was adopted.

Mr. Waddell offered the following amendment to the substitute:

Amend H. 35 by adding after the words "Citronelle" where they occur in the title and body of the bill, by adding the words "Girard, Albany."

And the amendment was adopted.

And the substitute as amended was adopted.

Yeas, 59; Nays, 3.

Yeas:

Messrs:

Speaker	Cobbs	Ingram	Pittman
Adams	Crump	Jones (Escambia)	Russell
Albright	Dansby	Jones (Marengo)	Salter
Alexander	Deese	Johnson	Seale
Allen	Dodson	Lawson	Shaw
Andrews	Dunaway	Lee (Perry)	Smith
Arnold	Edwards (Dallas)	Long (Sumter)	Sparks
Baker	Ellis (Bullock)	Milford	Stewart
Blunt	Ellis (Elmore)	Mitchell	Tompkins
Bracken	Fuller	Murphree	Trammell
Burleson	Gilbert	McDonald	Tunstall
Calvert	Green	McLeod	Varner
Carnley	Hall	Oakley	Wilson
Clayton	Hawkins	Parker	Woodard
Cliett	Holmes	Partridge	

—59

Nays:

Messrs:

Guy	Simpson	Van de Graaff	—3
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The further consideration of the bill:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

Was postponed until Thursday morning, Oct. 27th.

ADJOURNMENT.

On motion of Mr. Tunstall, the House adjourned until 10:30 o'clock, Thursday morning, Oct. 27th.

SIXTEENTH DAY.

House of Representatives,
Thursday, October 27th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. H. Wallace of the city.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Dunaway	Lee (Perry)	Robertson
Adams	Ellis (Bullock)	Long (Butler)	Ross
Albright	Ellis (Elmore)	Long (Sumter)	Russell
Alexander	Fuller	Longshore	Salter
Allen	Gilbreath	Matthews (Wilcox)	Seale
Andrews	Green	Milford	Shaw
Arnold	Guy	Murphree	Simpson
Baker	Hall	McDonald	Smith
Blunt	Hale	McLeod	Sparks
Bracken	Harrison	Oakley	Stewart
Burleson	Hawkins	Oliver	Tompkins
Carnley	Hollis	Orr	Truss
Christian	Holmes	Parker	Tunstall
Cliett	Howle	Partridge	Van de Graaff
Cobbs	Ingram	Peters	Williamson
Crump	Johnson	Pittman	Wilson
Downs	Lawson	Reynolds	Woodard

—68

A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal, made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the fifteenth day and finds the same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the fifteenth day was approved.

On motion of Mr. Tunstall, all House bills passed during the remainder of the session, were ordered sent to the Senate without engrossment.

RESOLUTION.

The following resolutions were introduced:

By Mr. Blunt:

H. R. 44. Resolved, by the House of Representatives, that the sincere thanks of this body be extended to the Mobile Register for its generosity in placing upon our desks, copies of its valuable publication.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Ellis of Elmore:

H. R. 45. Be it resolved by the House, that at the afternoon session of the House, this day, the roll of the counties be called for the consideration of local bills, and that if the call is not completed, it shall be continued at a night session. Each county in order to have the right to submit for passage one bill.

And the resolution was referred to the Standing Committee on Rules.

By Mr. Fuller:

H. R. 46. Be it resolved that the House of Representatives hereby expresses its sincere sympathy and condolence to its honorable member, Honorable M. E. Barganier of Montgomery county, in his sad and sore bereavement which he has recently sustained during this session in the loss of his revered and honored father, who was one of the State's best and most worthy citizens.

The rules were suspended and the resolution was unanimously adopted by a rising vote.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Carmichael:

S. J. R. 33. Resolved by the Senate, the House concurring, that we had a mighty good time on yesterday at Birmingham's birthday party.

That we are glad to have met President Harding. We like him. He has conscience, conviction, courage. One of the great presidents of our great country.

Resolved further, that we express our thanks to the people of Birmingham, especially to Hon. Sidney J. Bowie and the able executive committee of which he is chairman, for having given us the opportunity to participate in the wonderful celebration of Birmingham's mighty achievements.

Resolved further, that we express our enthusiastic appreciation of the courtesies shown the legislative party by the officers and agents of the Louisville & Nashville Railroad Company.

And sends same herewith to the House without engrossment.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 33, which is set out in the above and foregoing message from the Senate.

INTRODUCTION OF BILLS.

On a call of counties bills were introduced, severally read one time and referred to appropriate Standing Committees as follows:

By Mr. Tunstall (with notice and proof) :

H. 129. To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Local Legislation.

Notice and Proof. H. 129:

Notice is hereby given by the undersigned that in order and for the purpose of repealing the above and foregoing act that a bill substantially as follows will be proposed and introduced in the Legislature of Alabama convened in special session on October 4, 1921, for passage, substantially as follows:

A BILL TO BE ENTITLED

"An act" to repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved Sept. 14, 1915.

Be it enacted by the Legislature of Alabama:

Section 1. That the act of the Legislature of Alabama approved Sept. 14, 1915, entitled "An act to provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants of such position" be, and the said act is hereby, expressly repealed.

T. O. Black,
Wallace Coleman,
W. A. Williams,
Albert Thomas,
Fred Wall.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Young Wall, a Notary Public in and for said county and State, R. M. Rawls, who being known to me and who being duly and legally sworn deposes and says that he is the owner of the Alabama Courier, a newspaper of general circulation published weekly in Athens, Limestone county, Alabama; that the notice hereto attached of the intention to apply to the Legislature of Alabama, which convened in special session on October 4, 1921, of the proposed law to repeal an act of the Legislature of Alabama, approved September 14, 1915, together with the bill of proposed law to repeal said act of Sept. 14, 1915, a copy of which notice and proposed law are attached hereto, were published once a week for four consecutive weeks in said Alabama Courier on the following dates:

October 5, 1921; October 12, 1921, October 19, 1921, and October 26, 1921; that said notice and proposed law have been published and have appeared regularly in four weekly issues of said Alabama Courier on the day and dates herein set forth and that a true and exact copy of said notice and said proposed law are attached hereto.

R. M. Rawls,
Owner of Alabama Courier.

Subscribed and sworn to before me this the 26th day of October, 1921.

Young Wall,
Notary Public.

(Seal)

By Mr. Tunstall (with notice and proof) :

H. 130. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Local Legislation.

Notice and proof H. 130:

A BILL

To be entitled, an act: To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor. Be it enacted by the Legislature of Alabama.

Section 1. That on the approval of this act it shall be the duty of the court of county commissioners to appoint one road apportioner for each election precinct of said county. Such apportioner must be between the ages of twenty-one and fifty years and shall serve four years.

Sec. 2. The apportioners mentioned in the preceding section shall, within thirty days from their appointment, divide the public roads of their respective precincts into appropriate divisions, not to exceed four miles in length, and shall designate each precinct by a number beginning at one and describe each number by its terminal point, and shall within thirty days from their appointments, appoint an overseer for each division and certify such appointment to the probate judge, who shall at once issue commissions to such overseers. Commissions to apportioners or overseers may be served in person, or forwarded by mail.

Sec. 3. It is the express duty of the apportioners. 1. Within ten days after the appointment of overseers for his precinct to apportion the person or hands among the several divisions of roads in their precinct according to the importance of each road to the public, and to change such apportionment from time to time as due regard to the public interest may require. 2. To provide each overseer in the precinct as early as prac-

ticable with a complete list of the hands apportioned to his division. 3. To apportion among the several roads of the precinct all horses, mules, oxen, wagons, scrapers, plows, machinery and all other implements, and furnish each overseer with a list of the same, which shall accompany a list of the hands. 4. To inspect from time to time, and at least twice a year the public roads within their precinct, notice the character of repairs and observe if such roads are regularly posted as required by law. 5. To report to the grand jury an overseer who has in any particular failed to discharge his duty on any road within his precinct. 6. To report all defaulters, and see that they are prosecuted for failure to work. 7. Where any roads runs on the line dividing two precincts the apportioners of each adjoining precinct shall divide the road between them, and have charge of the half agreed to be taken by each the same as though said road lay in his precinct. In the event the apportioners of the two adjoining precincts are unable to agree upon a division of the road, then the court of county commissioners shall divide said road between them.

Sec. 4. It is the express duty of the overseers of such public roads. 1. On the failure of the apportioners to furnish the lists required in subdivisions 2 and 3 of the preceding section to apply for and obtain the same if possible. 2. To call out the hands and persons, wagons, teams, scrapers, plows, and all animals, machinery and implements subject to duty on their respective roads at their discretion and to work with the same not less than five days, and not exceeding ten days in each year. 3. To keep at the end of each mile, a mile post, marked with the number of miles to the court house or other noted place to which the road leads. 4. To erect index boards at all crossings and forks of roads with proper directions pointing to the most noted place to which the road leads. 5. To build bridges and cause-ways where the same are necessary after submitting same to the court of county commissioners and unless the court of county commissioners deem it expedient to have the same built by contract. 6. Where two precincts are divided by water courses or any depression that necessitates a bridge or causeway, in conjunction with the adjoining overseer, to construct the same unless the court of county commissioners have the same built by contract, but this shall not apply to the Tennessee river. 7. To report to the grand jury an apportioner in his election precinct who fails to discharge his duty. 8. To report and prosecute all defaulters who fail to work on public roads or pay for the same as required by law. 9. To keep the ford of any stream in order if practicable, when any bridge has been washed away, fallen down or becomes unsafe. 10. To keep in good condition all approaches to bridges and causeways whether the same are by contract with the commissioners or by direction of the overseer. 11. To repair all bridges and culverts when injured or broken, to open any drain, to fill any hole in the road, or break in the pikes, and to remove obstructions from the road, and when notified, either in person or in writing by a member of the court of county commissioners of said county to do or perform any of said duties, the same shall be done or performed by him within twenty-four hours after being notified, and upon his failure to do so, such overseer shall be guilty of a misdemeanor, and upon conviction fined not less than ten nor more than fifty dollars. 12. To perform such other duties as are, or may be required of them by this act, or by the general laws of this State not in conflict with this act.

Sec. 5. Overseers and apportioners shall serve four years, and in the event of vacancy, their successors shall be appointed as herein provided for the appointment of apportioners and overseers. Such successors shall serve out the unexpired term for which the apportioner or overseer, whose place they fill was appointed.

Sec. 6. All persons are liable to work on the public roads, except all females, all persons under the age of eighteen and over the age of forty-

five years, all persons who have lost an arm or leg, and all persons, who by nature or disease, are rendered incapable of hard labor to be excused by the overseer, when such disability is proven to him. And all apportioners or overseers are exempt from road duty for a period equal to one-half the time served as such apportioner or overseer.

Sec. 7. All horses, mules, oxen, wagons, scrapers, plows, and all other implements and machinery, sui able for use and work on the public roads belonging to any individual or corporation in the county, or which belonging to any non-resident of the county, but are in the county at the time notice is given to parties warning them to work the road are subject to road duty in Limestone county, to be used in the precinct where the owner resides or where such are kept for use. But if the owner is a non-resident of the county to be used in the precinct where they are temporarily located, and they shall be subject to such duty for a time to be prescribed by the overseer. Provided no wagon or team, horse or mule or oxen shall be subject to road duty for more than three days during any year, provided further that all wagons and teams, horses, mules and oxen shall work an equal number of days.

Sec. 8. The mode of securing horses, mules, oxen, wagons, scrapers, plows and all other implements and machinery is for the overseer to give two days notice in person or in writing to be left at the residence, to the owner thereof, but if there be no owner in the precinct, then to the manager, to have on the road such wagon and team or horses, or mules, or oxen, or wagons, or scrapers, or plows, or implements, or machinery, as he may designate and at the stated time and place.

Sec. 9. It is the duty of the overseer to repair and keep in good condition their respective roads. They must keep their roads in condition for the convenient and easy passage of buggies and for hauling or heavy drafts.

Sec. 10. Each person warned must attend or send substitute, agreeable to the notice, provided, however, that any person may pay to the overseer the sum of seven dollars and fifty cents on or before the day he is warned to attend, and upon payment of said sum, the overseer shall excuse him from work. It shall be the duty of the overseer to receive such money and apply the same to the hire of hands, wagons and teams, which he shall work on his road, or for material used in the construction and maintenance of the said roads. Each overseer receiving such payment shall make a full report to the court of county commissioners, in writing, left with the Probate Judge, within 60 days after the receipt of such payment, showing the amounts and from whom received and shall also file at the same time receipts for the expenditure of such money, said receipts to be signed by the persons to whom paid for work as herein provided. All money received in lieu of work provided in this section shall be spent on the road to which such person paying said money shall be apportioned. A copy of the report by the overseer, as herein provided, shall also be furnished to his apportioner within 60 days.

Sec. 11. Any apportioner, overseer, or other person who fails to perform any duty required of him by this act, or by the general laws of the State not in conflict with this act shall be guilty of a misdemeanor, and on conviction must be fined not less than ten nor more than fifty dollars.

Sec. 12. Any persons appointed apportioner or overseer may send in his excuse for not accepting or after he has accepted, may resign to the judge of probate. Such excuse or resignation must be in writing, the excuse for not serving, or the reason for resigning stated, and must be sworn to. The judge of probate shall pass upon said excuse or resignation, and by and with the consent of the court of county commissioners may accept the same.

Sec. 13. The judge of probate must keep in his office a well bound book to be labeled "Road Book," containing a complete list of all roads precincts, their grades, number, description by terminal points, and over-

seers with the date of their appointments. He shall keep in such book a complete list of apportioners.

Sec. 14. The mode of warning hands is for the overseer, or someone appointed by him, to give two days notice, in person or in writing to be left at the place of residence, to all persons liable to meet at such times and places as the overseer may appoint and with such tools as he may direct. The person warning the hands in case the overseer appoints some one to warn the hands, shall be excused for such service from one day's work. Eight hours shall constitute a day's work under the provisions of this act.

Sec. 15. That in lieu of the work mentioned in section 7 of this act, any person may pay per day for each wagon and team, two and 50-100 dollars; for each single horse and wagon one and 50-100 dollars each; single horse, one dollar; and each wagon, 50 cents; and when so paid by the owner they shall be exempt from further road duty for the time so paid for. It is the duty of the overseer to receive money, and use the same in the hire of hands, wagons, and teams, which he shall work on his road or materials used on his road. Each overseer receiving such payment shall make a full report to the court of county commissioners, in writing, left with the probate judge, within 60 days after the receipt of such payment, showing the amounts and from whom received and shall also file at the same time receipts for the expenditure of such money, said receipts to be signed by the person to whom paid for work as herein provided. All money received in lieu of work provided in this section shall be spent on the road to which such person paying said money shall be apportioned. A copy of the report by the overseer, as herein provided, shall also be furnished to his apportioner within 60 days.

Sec. 16. The court of county commissioners of Limestone county are empowered at the time of making the annual levy of taxes for general county purposes, to levy a special tax on all the taxable property of the county of one-fourth of one per centum on the assessed value of such taxable property. Such tax shall be levied and collected for the purpose of paying any debt that may hereafter be created for the erection of necessary public roads and bridges, and shall be levied and collected as other county taxes, which taxes so levied and collected shall be applied exclusively to the purposes for which the same are so levied and collected. Such tax, so collected, shall be held by the county treasurer as a special road fund for the county and shall be expended by the said court of county commissioners as hereinafter in this act provided. The authority given in this section is to be exercised in the discretion of the said court of county commissioners, and is not to be construed as mandatory on it to levy and collect the special tax for this special purpose or to prevent said court from levying and collecting a special tax for any other purpose or purposes for which said court is authorized to levy and collect a special tax.

Sec. 17. The court of county commissioners of Limestone county may transfer to the road fund of said county any surplus of general funds of the county in the county treasury, or any part of such surplus whenever in the judgment of said court it will promote the interests of the county to make such transfer. Such funds shall be expended by the said court of county commissioners as hereinafter in this act provided.

Sec. 18. The special taxes authorized to be collected and funds authorized to be collected and funds authorized to be transferred in the foregoing section 17 of this act, and all other money which may be received in any manner by said county for the road fund thereof, except in this act otherwise provided to be expended, shall be paid out or expended under the authority, superintendence or control of the court of county commissioners of said county, and said money shall be used in purchasing or hiring scrapers, plows and other road implements and machinery, wagons and teams for working said public roads, and in employing or hiring supervis-

ors, agents, persons or hands for superintending or working the public roads of said county, and in grading, graveling and macadamizing same or the building of bridges or otherwise improving the said public roads, as the court may determine. And a strict account of all money received and how expended shall be reported and entered of record in the minutes of the court of county commissioners of Limestone county. And said court may require a bond in an amount to be prescribed by it of any person or agent whose duty it may become to pay out or expend said money or any part thereof, for the performance and discharge of his duties, and it may also require a bond of any contractor with whom it may enter into a contract for working or improving the roads or any part of the public road of said county.

Sec. 19. The commissioner's court of Limestone county shall have power at any time from the passage of this act, to appoint a custodian for all stone crushers, rollers and other machinery and implements belonging to the county, and prescribe his duties with reference thereto, and to fix his salary or compensation, and to pay him therefor.

Sec. 20. This act and the general laws of the State not in conflict with this act, shall constitute the law for Limestone county on the subject of public roads and bridges.

Sec. 21. That an act entitled "An act to provide for the better building, maintenance and protection of public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provisions and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position" and all "local or special" laws and all parts of same be, and the same are hereby, expressly repealed.

Sec. 21½. That all general laws and parts of laws and all the authority and powers vested by general law in the court of county commissioners or like governing body not in conflict with this Act shall remain in full force and effect.

Sec. 22. It shall be the duty of the circuit judge to give this act in charge to the grand jury of each term of the circuit court.

Notice is hereby given by the undersigned of the intention to apply to the Legislature of Alabama, which convened in special session on Oct. 4, 1921, for the passage of substantially the above and foregoing proposed bill and to have same enacted as a law for Limestone county, Alabama.

This Oct. 5, 1921.

Fred Wall,
T. O. Black,
Wallace Coleman,
Albert Thomas.

The State of Alabama, }
Limestone County. }

Personally appeared before me, Young Wall, a Notary Public in and for said county and State, R. H. Walker, who being known to me and who being duly and legally sworn, deposes and says that he is the editor, publisher and proprietor of the Limestone Democrat, a newspaper of general circulation published in Athens, Limestone county, Alabama, published weekly; that the notice and proposed law, a copy of which is hereto attached was published once a week for four consecutive weeks in said Limestone Democrat, on the following dates: October 6, 1921, October 13, 1921, October 20, 1921, and October 27, 1921; that the notice of the intention to apply to the Legislature of Alabama, which convened in special session on October 4, 1921, for the passage of the proposed law together with said proposed law, a copy of which proposed law and notice are attached hereto, are in the exact words and figures as were published in said Limestone Democrat, on the dates herein described; that said notices and proposed law have been published and have appeared regularly in four weekly is-

sues of said Limestone Democrat on October 6, 1921, October 13, 1921, October 20, 1921 and October 27, 1921.

R. H. Walker.

Editor and Publisher of Limestone Democrat.

Sworn to and subscribed before me this the 27th day of October, 1921.
Young Wall,
Notary Public.

REPORT OF STANDING COMMITTEES.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

H. 124. To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment for same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

H. 127. To pay the town of Livingston for a school building and lot conveyed by said town to the State for the State normal school located at Livingston.

H. 126. To amend an act approved September 5th, 1919, entitled, An act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Mr. Partridge, chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the House with a favorable report:

S. 78. To amend an act entitled an act to provide for instruction in regard to the humane protection of animals in the public schools, approved September 29, 1919.

H. 102. To amend section 21½ of an act to provide a complete educational system for the State of Alabama, approved September 26, 1919, and published on pages 567 to 678 inclusive of the General Acts of Alabama of 1919, by making the failure.

of the county superintendent to perform the duty imposed upon him thereby a misdemeanor, and prescribe the punishment therefor.

Mr. Dansby, chairman of the Standing Committee on Privileges and Elections, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

The above and foregoing bills were severally read a second time and placed upon the Calendar.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bill and ordered same sent to the House without engrossment:

S. 55. To authorize leasing county convicts to be employed in mining coal or otherwise employed in State of Alabama.

And has passed the following House bill and returns same herewith to the House:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911," approved February 15, 1915," approved September 27, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bill, the title to which is set out in the above and foregoing message from the Senate, was read one time and referred to an appropriate Standing Committee as follows:

Penitentiary and Criminal Administration, S. 55.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday

after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

And the bill:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at an election to be held on the first Monday after the expiration of three months from and after the final adjournment of the present session of the Legislature, at which this amendment is proposed, an amendment to the Constitution of Alabama whereby the city of Talladega, Alabama, may levy and collect through its duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property, as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution.

As amended, by the substitute as amended, was read a third time at length and passed.

Yeas, 67; Nays, 3.

Yeas:

Messrs:

Speaker	Dunaway	Lawson	Robertson
Adams	Ellis (Bullock)	Lee (Perry)	Ross
Albright	Ellis (Elmore)	Long (Sumter)	Russell
Alexander	Fuller	Longshore	Salter
Allen	Gilbreath	Matthews (Wilcox)	Seale
Andrews	Green	Milford	Simpson
Arnold	Hall	Murphree	Smith
Baker	Hale	McDonald	Sparks
Blunt	Harrison	McLeod	Stewart
Bracken	Hawkins	Oakley	Tompkins
Burleson	Hollis	Oliver	Truss
Carnley	Holmes	Orr	Tunstall
Christian	Howle	Parker	Varner
Cliett	Ingram	Partridge	Waddell
Cobbs	Jones (Escambia)	Peters	Wilson
Crump	Jones (Marengo)	Pittman	Woodard
Dodson	Johnson	Reynolds	

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Nays:

Messrs:

Guy	Long (Butler)	Van de Graaff
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—3

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and passed the following bills:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Also:

S. 69. To prohibit the imposition of collection of any State, county, or municipal license or special tax, on any wagon or team, which is used principally for purposes of farming, or the marketing of farm products by or for the producer of such products.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

Revision of Laws, S. 77.

Ways, Means and Appropriations, S. 69.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolutions:

By Mr. Craft:

S. J. R. 34. Be it resolved by the Senate, the House concurring, that the members of the Legislature of Alabama hereby express their hearty appreciation of the wonderful hospitality and numerous courtesies and kindnesses so generously shown them by the Birmingham Semi-Centennial Committee on the occasion of their visit to the marvelous city of Birmingham, on October 26th, 1921.

Be it further resolved, that we recognize the city of Birmingham as the industrial centre of the South, which demonstrates that the vision of the founders of that city, while confronted with obstacles and difficulties during pioneer days, bravely, zealously and faithfully labored to lay deep and well the foundations of Birmingham, and to make it the present and future centre of the iron market of the world.

Be it further resolved, that the magnificent achievement of the pioneers of Birmingham incontestibly demonstrate the unrivalled possibilities in every other county of the State, if the leaders but recognized the opportunities and had the vision and the determination to convert their resources into finished prod-

ucts, and thereby reap a harvest of rich reward for their labors.

Be it further resolved, that we hereby express our appreciation to the governor and Mrs. Kilby and to the other State officials and their wives, who accompanied us to Birmingham, where as an official party, representing the great State of Alabama, we paid our respects and were formally presented to the President of the United States and to Mrs. Harding.

Be it further resolved, that we express our appreciation to the joint committee of the Senate and House of Representatives, and more especially to Senator West and Senator Carmichael for their untiring labors in affecting arrangements for our trip to Birmingham and return, and in making our official visit to the Magic City a memorable one.

Also:

By Mr. Carmichael:

S. J. R. 35. Resolved by the Senate, the House concurring, that during the remaining days of the special session of this Legislature, the two houses shall adjourn and recess only on joint resolution.

Resolved further, that the two houses recess today at one o'clock P. M. and re-convene at 3 o'clock P. M.

And sends same to the House without engrossment.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The S. J. R. 34, which is set out in the above and foregoing message from the Senate was referred to the Rules Committee, and the House concurred in and adopted S. J. R. 35 which is set out in the above and foregoing message from the Senate.

BILLS ON THIRD READING.

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Was read a third time at length and passed.

Yeas, 65; Nays, 0.

Yeas:

Messrs:

Speaker

Adams

Albright

Alexander

Allen

Andrews

Arnold

Baker

Blunt

Bracken

Burleson

Carnley

Cliett

Cobbs

Dodson

Dunaway.

Ellis (Bullock)

Ellis (Elmore)

Gilbreath

Green

Guy

Hall

Hale

Harrison

Hawkins

Hollis

Holmes

Ingram

Jones (Escambia)

Jones (Marengo)

Johnson

Lawson

Lee (Perry)	Oliver	Ross	Stewart
Long (Sumter)	Orr	Russell	Tompkins
Longshore	Parker	Salter	Truss
Matthews (Wilcox)	Partridge	Seale	Van de Graaff
Milford	Peters	Shaw	Varnar
Murphree	Pittman	Simpson	Williamson
McDonald	Reynolds	Smith	Wilson
McLeod	Robertson	Sparks	Woodard
Oakley			

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H. 2 (with substitute). To provide for obtaining the opinion of the justices of the supreme court, or a majority thereof, by the governor or either House of the Legislature, upon important constitutional questions and on solemn occasions.

Was taken up. The question was upon the adoption of the substitute reported by the Standing Committee on Judiciary, said substitute being as follows:

A BILL

To be entitled an act to provide for obtaining the opinion of the Justices of the Supreme Court, or a majority thereof, by the governor upon important constitutional questions and on solemn occasions.

Be it enacted by the Legislature of Alabama:

Section 1. The governor by a request in writing, may obtain a written opinion of the justices of the supreme court of Alabama, or a majority thereof, on important constitutional questions and on solemn occasions, provided, however, that such opinion may not be obtained on a bill until after the passage of said bill and the submission of the same to the governor.

Section 2. The opinion of the justices of the Supreme Court herein provided for shall not be binding upon the State or any department thereof, nor even upon the departments requesting it, or the justices giving the opinions; but such opinions shall be advisory merely. The objects and purpose of this act, being to give more confidence and assurance to the validity and constitutionality of important acts of the governor and the Legislature on solemn occasions, and to declare the public policy of the State as to requesting and giving opinions of the justices of the supreme court as herein provided.

Section 3. The justices of the supreme court may request briefs from the attorney general, and may receive briefs from other attorneys as *amicus curiae*, as to such questions as may be propounded to them for their answers.

On motion of Mr. Tompkins, the bill and substitute were indefinitely postponed.

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substi-

tuted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Was taken up. Mr. Murphree offered the following substitute for the bill:

A BILL

To be entitled an act to provide a statutory method for substituting any tax record in any county in this State and giving to the substituted records the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

Be it enacted by the Legislature of Alabama:

Section 1. When any tax record of a county in this State has been lost, stolen or destroyed, the same may be substituted as herein provided, and such substituted record shall be of equal validity with the original.

Section 2. Whenever any of the tax records of a county in this State have been lost, stolen or destroyed, the tax assessor shall, as soon thereafter as practicable, notify the State tax commission in writing of the loss, theft, or destruction of such records. The State tax commission shall at once investigate, and, if satisfied that such records have been lost, stolen or destroyed, shall notify the governor in writing of such loss, theft, or destruction of such records. If the governor upon receipt of such notice is satisfied that any such records have been lost, stolen or destroyed, he may, if in his judgment it is necessary or advisable for any governmental purpose, order and direct that the same, or any part thereof, be substituted in the manner provided by this act. A copy of such order of the governor shall be filed with the State tax commission.

Section 3. Upon receipt of the governor's order, the State tax commission shall prepare in writing a notice to be signed by the tax assessor of said county, stating in brief the fact of such loss, theft or destruction of such records, which it is proposed to substitute. Such notice shall also contain a statement of the time when and the place where the tax assessor will sit in said county to receive from each taxpayer, the record of whose tax assessment in said county has been so lost, stolen or destroyed, a return of all his property which was subject to tax assessment in said county during the tax assessment year or years for which such records have been so lost, stolen or destroyed, a substantial duplicate of his former return.

Section 4. The tax assessor of such county is authorized and required to fix such times and places in the county as are deemed

reasonably necessary by him for that purpose to receive such duplicate returns and he shall sit in person or by deputy at such times and places for this purpose.

Section 5. If, in any such cases, it is determined that the records of the tax assessment of all the taxpayers of the county, or of one or more entire precincts of the county, be substituted, such notice shall state the fact, and it shall not be necessary for such notice to give the names of the taxpayers; if of only a part of the taxpayers of any precinct, then the notice shall set forth the names of the taxpayers the record of whose assessments are to be substituted. Such notice shall be published in some newspaper published in such county once a week for two successive weeks, and the first publication thereof must be on a day which is not less than ten days before the first day set therein for any such sittings to be held, as aforesaid, by the tax assessor or his deputy; provided, however, that the tax assessor or his deputy may continue such sitting from day to day without any additional notice thereof.

Section 6. Every taxpayer of said county, the record of whose tax assessment or return, or whose tax record in any part thereof in said county has been so lost, stolen or destroyed, is required to attend at one of such sittings by the tax assessor or his deputy and there give under oath to the best of his knowledge, recollection, information and belief, a full, complete, and direct statement of all his property, with a sufficient description thereof, which was included in his said tax assessment record which has been so lost, stolen or destroyed, together with the valuation of the different parcels or articles thereof for taxation which had been fixed and was shown by said record so lost, stolen or destroyed, which description and valuation shall be set out upon a blank prescribed by the State tax commission and furnished by said county for said purpose. Any such taxpayer, his agent, or attorney, shall present such statement or return under oath and shall state in writing that the same is, in substance, a just, true and correct copy of the record of his tax assessment or return and the valuation fixed on his property for taxes as shown by the original of such records which have been so lost, stolen or destroyed, according to the best of his knowledge, information and belief.

Section 7. If any such taxpayer, his agent or attorney, willfully or knowingly makes under oath a false statement relative to any material matter involved in such statement or return subscribed by him, he shall be guilty of a misdemeanor.

Section 8. If any such taxpayer has a copy of the original assessment and list showing the return of his property for taxes in said county, upon which list his assessment record so lost, stolen or destroyed was based, he is required, without demand, to

produce such copy at such sitting by the tax assessor or his deputy for the inspection of such officer. If any such taxpayer has paid his taxes, the payment whereof was shown by any such record which it is proposed to substitute, he is required, without demand, to produce his official tax receipt for inspection of the tax assessor or his deputy at such sitting. If any such taxpayer fails or refuses, without good or lawful excuse, to produce for the inspection of such officer his copy of such list or his said official tax receipt, he shall be guilty of a misdemeanor.

Section 9. At the time any such taxpayer appears at such sitting by the tax assessor or his deputy to make such sworn statement as to the return of his property and the valuation thereof for taxes, as contained in such original record so lost, stolen or destroyed, he may file with the tax assessor or his deputy holding such sitting, such affidavits in writing as he may desire to so file of other persons or of himself, to support any contention he may have that is competent, relevant, or material to the proper and correct substitution of such records. The tax assessor or his deputy holding such sitting shall receive, file and carefully preserve all such affidavits presented by any such taxpayer. Any person who willfully or knowingly makes a false statement which is material in any such affidavit shall be guilty of a misdemeanor.

Section 10. The tax assessor or his deputy who holds any of such sittings is empowered and authorized to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any such taxpayer of any deeds or any other writings in the custody or under the control of such taxpayer which contain any evidence material to the issues involved in the substitution of the record of such taxpayer's tax assessment which has been so lost, stolen or destroyed.

Section 11. When all such sittings by the tax assessor and his deputies have been concluded, all such additional returns and sworn statements of the taxpayers, together with the affidavits presented by any taxpayers, and all other pertinent writings which have been filed with the tax assessor or his deputies at any of such sittings, shall be returned, at once, to the office of the tax assessor and he shall then, at once, notify the State tax commission that such sittings have been concluded. Upon the receipt of such notice from the tax assessor, the State tax commission, in writing, shall direct and require the tax adjuster of said county to sit therein to consider the evidence which has thus been collected by the tax assessor and his deputies, together with such relevant, material and competent evidence that may be offered by the taxpayer, the State or by said county, for the purpose of determination by the tax adjuster of what is a true and correct substitution of the record of each taxpayer's

original assessment for taxes which has been so lost, stolen or destroyed.

Section 12. Such tax adjuster shall have power and authority to administer oaths, to subpoena witnesses, to issue subpoenas duces tecum, to require the production before him by any taxpayer who is a party to any of such proceedings of any books or other writings in the custody or under the control of such taxpayer, which contain any evidence material to the issues involved in the substitution of any of such records. It shall be the duty of the tax adjuster to hear and consider evidence offered by either the taxpayer, the State or said county, if any shall be offered in addition to what has been collected by the assessor and his deputies, as aforesaid, touching the substitution of such records which have been so lost, stolen or destroyed, and to judge and decree what is a true and correct substitution of such records, and he is given power and authority for all said purposes, together with such other power and authority as may be necessary or incidental to that power and authority which is hereby expressly conferred. All such evidence offered before the tax adjuster which is not in the form of some written instrument must be offered in the form of affidavits, or depositions in writing.

Section 13. When the tax adjuster has been directed by the State tax commission, as hereinabove provided, to sit in said county to consider and decree upon said causes and proceedings, he must promptly set a time for hearing and considering the causes involved in the substitution of such records. He shall sit at the courthouse at the county seat of said county, but if there is more than one courthouse in said county, he shall provide for a hearing at each of such courthouses. As soon as he has determined the time and place of such hearing, he shall give notice thereof by publication of such notice in a newspaper published in the county once a week for at least two successive weeks prior to the beginning of such hearing; the first publication of which notice must be at least ten days before the first day set for such hearing. Such notice shall be governed by section 5 of this act with respect to the necessity of setting out or not, in said notice, the names of the taxpayers whose records are to be substituted by said tax adjuster. In addition to the publication of such notice, as aforesaid, such tax adjuster shall also post a copy of the notice at the courthouse and at three other public places in the county at least ten days before the first day set for such hearing.

Section 14. At such hearing by such tax adjuster, he shall cause to come before him the tax assessor and tax collector of the county, and he shall examine them under oath touching the contents of such records which have been lost, stolen or destroyed, and he shall receive and file any evidence in writing that may be

offered by the taxpayer, the State or county touching said matters. Any such taxpayer affected by the substitution of any such record has the right to file with such tax adjuster the affidavit of any person in support of any contention of such taxpayer as to any issue involved in such proceeding.

Section 15. At the conclusion of such hearing by the tax adjuster and after consideration of all the evidence before him, he shall determine what is a true and correct substitution of any such record which has been so lost, stolen or destroyed, and he shall make and enter an order or decree accordingly. Such order or decree shall be endorsed upon the substituted record and shall be sufficient if it states, in substance, as follows:

State of Alabama, }
 County. }

I, _____, tax adjuster in and for said county, do hereby find and certify that the above and foregoing is a correct substitution of the tax assessment record of the taxpayer named therein for the tax year therein stated.

Witness my hand this _____ day of _____

 (Tax Adjuster.)

Section 16. After such tax adjuster has concluded the hearings so held by him and has entered his decrees substituting such individual tax records, from such substituted records, the State tax commission shall, if it is deemed necessary by it, prepare or cause to be prepared under its direction, the tax assessment book and the tax collector's abstract which are required by law to be made up from the individual tax assessments.

Section 17. Any taxpayer who is aggrieved at the findings of such tax adjuster, and the State or said county, shall have a right of appeal from his findings to the State tax commission. Notice of such appeal must be filed in writing with such tax adjuster within ten days after the entry of his order and decree, and in the case of the State or said county, the filing of such notice of appeal shall be sufficient to perfect its appeal. The taxpayer, in addition to filing such notice of appeal, shall also file with such tax adjuster satisfactory security for cost of the appeal, and, if any taxes of such taxpayer due to the State of Alabama or to said county are then delinquent, before the appeal of such taxpayer shall be allowed, he must pay to the tax collector of said county, all taxes due the State and said county and any school district in said county, on such valuation of his property for taxes as he has claimed in his sworn statement was the valuation of his property for taxes shown by such original record; which payment shall be placed as a credit upon his assessment when the record is established. He must also give bond with

satisfactory security, conditioned to pay, within thirty days after the final determination of his said cause, the State of Alabama and said county all taxes that may be due by him and delinquent to said State and county.

Section 18. When said appeal has been taken, the tax adjuster shall within thirty days thereafter return to the State tax commission all the sworn statements, affidavits and other evidence in writing before him, in the case of the taxpayer taking such appeal. The tax adjuster may also return with such papers a brief statement or opinion in writing setting forth the main reasons for his findings in such case. All such papers in the matter of such appeal shall be certified by such tax adjuster to the State tax commission.

Section 19. The State tax commission is authorized and empowered to hear, consider and determine such appeal, and for this purpose shall sit at the State capitol. It shall be its duty to carefully examine, weigh and consider the evidence and all other matters in each such cause certified to it on appeal by such tax adjuster, and after having considered same, the State tax commission may dismiss the appeal and adjudge all costs of the appeal against the taxpayer, or it may modify the findings of such tax adjuster and proceed to find and decree what is a correct substitution of the record of such taxpayer involved in such appeal, and in such last named case, it is empowered and shall tax the costs of appeal as to it seems equitable. If the taxpayer fails to sustain his appeal and obtain any modification of the findings of such tax adjuster, such taxpayer shall be taxed with all the costs of such appeal, for which execution may be issued against such taxpayer and his sureties by said State tax commission, and directed to the sheriff of said county. Any such execution shall be levied and collected by the sheriff of said county in the same manner in which execution out of the circuit court of said county is levied and collected, except that the sheriff shall make return thereof to the State tax commission instead of to such circuit court.

Section 20. Any such taxpayer shall have a right of appeal from the finding or decree of the State tax commission to the court of appeals of said State. In case the taxpayer takes an appeal from the findings of the State tax commission to the court of appeals, the taxpayer is required to prepare or have prepared at his cost a transcript of all the papers relating to his case which are on file with the State tax commission, including a copy of the findings of the State tax commissioner upon his appeal from such tax adjuster. Such transcript shall be duly certified by the chairman or one of the associate members of the State tax commission to the court of appeals. Any such appeal from the findings of the State tax commission to the court of

appeals must be taken within thirty days after the finding or decree of the State tax commission has been entered. It shall be the duty of the State tax commission within ten days after the entry of its decree upon any appeal, to notify the appellant or his attorney of record of the date and nature of its said findings or decree, by mailing such notice to the last known address of such taxpayer or his attorney of record.

Section 21. If the taxpayer desires to take appeal from the findings of the State tax commission to the court of appeals, he must file notice of such appeal with the State tax commission within thirty days from the date of entry of its decree and must also file with the State tax commission satisfactory security for costs of such appeal to the court of appeals, which security may be approved by any member of said commission. When such appeal has been taken to the court of appeals, and the transcript has been filed with the clerk of that court, the clerk shall notify the presiding judge thereof. The presiding judge of the court of appeals shall set down for hearing all such appeals taken to it from said State tax commission at as early date as is practicable and shall cause the clerk of such court to notify the attorney general as counsel for the State, and also the appellant or his counsel of record, of the date set for hearing such appeal. Any such appeal before the court of appeals shall be governed by the statutes and rules which apply to appeals in civil cases before such court.

Section 22. In any county which has a board of tax adjusters instead of a single county tax adjuster, the duties herein imposed upon the county tax adjuster shall be performed by the board of tax adjusters, and such board is hereby given all the powers and authority which are herein conferred upon the county tax adjuster in the performance of such duties. In case the duty of determining the valuation of property for taxation now imposed upon the tax adjuster or board of tax adjusters shall be hereafter imposed upon some other officer, or officers, such officer, or officers, who may succeed the tax adjuster or board of tax adjusters in the discharge of this duty shall perform all of the duties herein imposed upon the tax adjuster and shall have all of the power and authority herein given to the county tax adjuster in the performance of such duties.

Section 23. The provisions of this act are intended to be remedial and shall apply both in the case where any such tax records of a county have been so lost, stolen or destroyed before the passage and approval of this act as well as to the case of the loss, theft or destruction of such records hereafter.

Section 24. The tax adjuster shall receive reimbursement for all expenses which are reasonably incurred by him in the discharge of his duties hereunder, if such expenses are outside

of and extra to the expenses incident to the discharge of his duties under other statutes of this State. Provided, however, that any claim of the tax adjuster for any such expenses incurred by him under this statute, before payment thereof is authorized or required, must first be audited and allowed by the State tax commission. When so audited and allowed the same must be paid by the State and said county as herein prescribed. The State shall pay, out of moneys in the State treasury not otherwise appropriated, on the warrant of the governor, such part of said claim as the amount of the State tax upon tangible property received from said county for the last previous tax year for which taxes have been collected in said county, bears to the whole amount of the tax upon tangible property in said county for State, county and school districts collected in said county for said year. Said county shall pay the remainder of such claim upon presentation of a certificate or warrant signed by the governor and showing the amount due by the county for such purposes, and such claim against said county for such amount as is certified by the governor shall be a preferred claim against the county, like unto the claim of grand or petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid, upon presentation to the county treasurer of such certificate or warrant of the governor.

Section 25. For all the services provided herein to be performed by the tax assessor and his deputies the tax assessor shall receive such compensation as is fixed by the court of county commissioners or board of revenue of said county, not to exceed ten dollars per day for himself, and seven dollars per day for each deputy while actually engaged in such work. Such compensation of the tax assessor and his deputies shall be paid by the State and by said county, each paying the same proportion thereof as they are herein required to pay in making payment of the expense claim of the tax adjuster. Upon the conclusion of the work of the tax assessor and his deputies in the performance of the duties hereunder, the court of county commissioners or board of revenue of said county shall transmit to the governor a duly certified copy of its order fixing the compensation to be paid the tax assessor and his deputies for services performed under this act. Upon receipt thereof, the governor shall draw his certificate or warrant for payment of that part of such compensation that must be paid by the State, under the provisions of this act, and the same shall be paid out of moneys in the treasury of the State not otherwise appropriated. That part of the claim of the tax assessor and his deputies for such compensation which must be paid by said county hereunder, must be audited and allowed by the court of county commissioners or board of revenue of the county, and when so allowed, the same shall be a

preferred claim against the county, like unto the claims of grand and petit jurors of such county, and shall be payable in like manner as the claims of such jurors are paid.

Section 26. Any and all other expenses incurred in and about, or incident to any such proceeding under this act to substitute any such records, shall be borne by the State and said county in the same proportion that the compensation of the tax assessor and his deputies are to be paid, as provided herein, and shall be paid on warrant of the governor, and shall be a preferred claim against said county, as is provided with respect to the compensation for the tax assessor and his deputies, except that all stationery, blanks, blank books, and other like supplies, needed in the substitution of any such records shall be furnished by such county at its expense. All such work of substitution of tax records provided for hereunder shall be under the supervision and direction of the State tax commission, subject to the provisions of this act.

Section 27. It shall be the duty of the sheriff of said county to serve any subpoena and execute any process issued by the tax adjuster or tax assessor hereunder, and the sheriff shall receive for his services in such matters the same compensation as is allowed him for similar services in civil cases in the circuit court.

And the substitute was adopted.

Yeas, 63; Nays, 0.

Yeas:

Messrs:

Speaker	Dodson	Jones (Marengo)	Ross
Adams	Downs	Johnson	Russell
Albright	Dunaway	Lawson	Salter
Alexander	Ellis (Bullock)	Lee (Perry)	Seale
Allen	Ellis (Elmore)	Long (Sumter)	Simpson
Andrews	Fuller	Longshore	Smith
Arnold	Gilbreath	Matthews (Wilcox)	Sparks
Baker	Green	Murphree	Stewart
Blunt	Guy	McLeod	Tompkins
Bracken	Hall	Oakley	Truss
Burleson	Hale	Orr	Tunstall
Carnley	Harrison	Parker	Van de Graaff
Christian	Hawkins	Partridge	Williamson
Cliett	Hollis	Peters	Wilson
Cobbs	Ingram	Pittman	Woodard
Crump	Jones (Escambia)	Reynolds	

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And the bill:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted record the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

As amended by the substitute, was read a third time at length and passed.

Yeas, 63; Nays, 0.

Yeas:

Messrs:			
Speaker	Edwards (Dallas)	Lawson	Russell
Adams	Ellis (Bullock)	Lee (Perry)	Salter
Albright	Ellis (Elmore)	Long (Sumter)	Seale
Alexander	Fuller	Longshore	Shaw
Allen	Gilbreath	Matthews (Wilecox)	Simpson
Andrews	Green	Murphree	Smith
Baker	Guy	McLeod	Sparks
Blunt	Hall	Oakley	Stewart
Bracken	Hale	Oliver	Tompkins
Burleson	Harrison	Orr	Truss
Christian	Hawkins	Parker	Tunstall
Cliett	Hollis	Partridge	Van de Graaff
Cobbs	Ingram	Peters	Williamson
Crump	Jones (Escambia)	Pittman	Wilson
Downs	Jones (Marengo)	Reynolds	Woodard
Dunaway	Johnson	Ross	

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S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Was taken up. Mr. Carnley offered the following amendment to the bill:

"Amend Sec. 9 of S. 37 by striking out the words: "have been on" between the words "which" and "may" in line one of said section and amend the title of said bill S. 37, by striking out the words: "have been or" between the words "which" and "may" on line 6."

RECESS.

Pending the further consideration of the bill and amendment the hour of one o'clock having arrived, under the resolution heretofore adopted, the House recessed until 3 p. m.

AFTERNOON SESSION.

The House met pursuant to adjournment.

REPORT OF COMMITTEE ON ENGROSSED BILLS.

Mr. Speaker:

Your Committee on Engrossed Bills begs leave to report that it has examined the following bill, and finds same correct:

By Mr. Cliett:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment shall, in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Geo. W. Salter, Jr.,
Chairman.

The report of the committee was concurred in and adopted.

RESOLUTION.

The following resolutions were introduced:

By Mr. Parker:

H. R. 47. Resolved, that the House of Representatives extend our sympathy to fellow member from Pike, Hon. J. H. Edwards, in his serious illness which deprives us of his valuable assistance and advice in our deliberations and hope for him a speedy recovery to health. Resolved further that a copy of these resolutions be mailed to Mr. Edwards.

The rules were suspended and the resolution was adopted.
By Mr. McDonald:

H. R. 48. Be it resolved by the House that S. B. 25 be made a special order for 11 o'clock on Friday, October 28th.

The resolution was referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted records the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

W. F. Miller,
Secretary.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business, which was the bill:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

The question was upon the adoption of the amendment offered by Mr. Carnley, to the bill:

On motion of Mr. Tompkins, the amendment offered by Mr. Carnley was laid upon the table.

And the bill:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Was read a third time at length and passed.

Yeas, 47; Nays, 18.

Yeas:

Messrs:

Speaker

Adams

Alexander

Allen

Andrews

Arnold

Blunt

Bracken

Burleson

Christian

Cliett

Cobbs

Crump

Dunaway

Edwards (Dallas)

Fuller

Gilbreath

Green

Hall

Hale

Hare

Hawkins

Howle

Ingram

Jones (Escambia)

Jones (Marengo)

Long (Sumter)

Matthews (Wilcox)

Murphree	Peters	Shaw	Varner
Oakley	Pittman	Sparks	Waddell
Orr	Ross	Tompkins	Wilson
Parker	Salter	Tunstall	Woodard
Partridge	Seale	Van de Graaff	

—47

*Nays:**Messrs:*

Barganier	Guy	Longshore	Russell
Carnley	Harrison	Milford	Simpson
Dodson	Johnson	McDonald	Smith
Ellis (Bullock)	Lee (Perry)	Reynolds	Stewart
Ellis (Elmore)	Long (Butler)		

—18

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Was taken up. Mr. Arnold offered the following amendment to the bill:

"Amend section 5 by adding the following: Provided that one of the clerks herein named shall act as auditor of said counties."

And the amendment was adopted.

Yeas, 62; Nays, 4.

*Yeas:**Messrs:*

Speaker	Dunaway	Lawson	Robertson
Adams	Edwards (Dallas)	Lee (Perry)	Ross
Albright	Ellis (Bullock)	Long (Butler)	Russell
Alexander	Ellis (Elmore)	Long (Sumter)	Salter
Allen	Fuller	Longshore	Seale
Andrews	Gilbreath	Matthews (Wilcox)	Shaw
Arnold	Green	Milford	Simpson
Barganier	Guy	Murphree	Smith
Blunt	Hall	McDonald	Sparks
Bracken	Hale	Oakley	Tompkins
Burleson	Hare	Orr	Tunstall
Carnley	Harrison	Parker	Varner
Christian	Ingram	Partridge	Waddell
Cliett	Jones (Escambia)	Peters	Wilson
Crump	Jones (Marengo)	Pittman	Woodard
Dodson	Johnson		

—62

*Nays:**Messrs:*

Hawkins	Reynolds	Stewart	Van de Graaff
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—4

Mr. Ross offered the following amendment to the bill:

"Amend said bill by striking out the figure 2% wherever the same appears therein and insert in lieu thereof the figure 3%."

And the amendment was adopted.

Yeas, 62; Nays, 3.

Yeas:

Messrs:

Speaker	Dunaway	Johnson	Robertson
Adams	Edwards (Dallas)	Lawson	Ross
Albright	Ellis (Bullock)	Lee (Perry)	Russell
Alexander	Ellis (Elmore)	Longshore	Salter
Allen	Fuller	Matthews (Wilcox)	Seale
Andrews	Gilbreath	Milford	Shaw
Arnold	Green	Murphree	Simpson
Barganier	Guy	McDonald	Smith
Blunt	Hall	Oakley	Sparks
Bracken	Hale	Orr	Tompkins
Burleson	Hare	Parker	Truss
Christian	Harrison	Partridge	Varner
Cliett	Hawkins	Peters	Waddell
Cobbs	Ingram	Pittman	Wilson
Crump	Jones (Escambia)	Reynolds	Woodard
Dodson	Jones (Marengo)		

—62

Nays:

Messrs:

Long (Sumter)	Stewart	Van de Graaff	—3
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H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

And the bill:

As amended, was read a third time at length and passed.

Yeas, 55; Nays, 5.

Yeas:

Messrs:

Speaker	Dunaway	Johnson	Ross
Adams	Edwards (Dallas)	Lawson	Russell
Alexander	Ellis (Bullock)	Lee (Perry)	Salter
Allen	Ellis (Elmore)	Long (Sumter)	Seale
Andrews	Gilbreath	Longshore	Shaw
Arnold	Green	Matthews (Wilcox)	Simpson
Barganier	Guy	Milford	Smith
Blunt	Hall	Murphree	Sparks
Bracken	Hale	McDonald	Tompkins
Carnley	Hare	Oakley	Tunstall
Christian	Harrison	Parker	Van de Graaff
Cliett	Ingram	Partridge	Wilson
Cobbs	Jones (Escambia)	Peters	Woodard
Dodson	Jones (Marengo)	Pittman	

—55

Nays:

Messrs:

Hawkins	Truss	Varner	Waddell
Stewart			

—5

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted House Joint Resolution 42 relative to the pay of the special legislative committee created for the inspection of the various State convict camps.

And returns same herewith to the House:

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended and as amended as therein shown has passed:

H. 26. To amend and revise Chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

And returns same herewith to the House:

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House refused to concur in the Senate amendment to the bill, H. 26, said Senate amendment being as follows:

Substitute by the Committee on Judiciary of the Senate for House bill No. 26:

A BILL

To be entitled an act to amend and revise chapter 176, of the Code, which chapter is entitled "Boycotting and Blacklisting."

Be it enacted by the Legislature of Alabama:

That chapter No. 176 of the Criminal Code of Alabama, entitled "Boycotting and Blacklisting," be amended and revised so as to read as follows:

Section 1. Two or more persons who enter into any combination, conspiracy, agreement, arrangement or understanding for the purpose of hindering, delaying, or preventing any other persons, firm, corporation, or association of persons from carrying on any lawful business shall be guilty of a misdemeanor.

Section 2. Any person or persons who go near to or loiter about the premises or place of business of any other person, firm, corporation, or association of people, engaged in a lawful business, for the purpose or with the intent of influencing, or inducing other persons not to trade with, buy from, sell to, have business dealings with, or be employed by such person, firm, corporation, or association or who picket the works or place of business of such other persons, firms, corporation, or associations of

persons, for the purpose of hindering, delaying, or interfering with, or injuring any lawful business or enterprise of another, shall be guilty of a misdemeanor; but nothing herein shall prevent any person from soliciting trade or business for a competitive business.

Section 3. Any person, firm, corporation, or association of persons who prints or circulates any notice of boycott, boycott cards, stickers, dodgers, or unfair lists, publishing or declaring that a boycott or ban exists or has existed or is contemplated against any person, firm, corporation, or association of persons doing a lawful business shall be guilty of a misdemeanor.

Section 4. Any person, firm, corporation, or association of persons who uses force, threats, intimidation, or other unlawful means to prevent any other person, firm, corporation, or association of persons from engaging in any lawful occupation or business shall be guilty of a misdemeanor.

Section 5. Any person, firm, corporation, or association of persons who maintains what is commonly called a black list or notifies any other person, firm, corporation, or association, that any person has been blacklisted by such person, firm, corporation, or association; or uses any other similar means to prevent any person from receiving employment from whomsoever he desires to be employed by shall be guilty of a misdemeanor.

Section 6. Any person, firm, corporation, or association of persons who does any act with the intent, or with reason to believe that such act will injure, interfere with, hinder, delay, or obstruct any lawful business or enterprise in which persons are employed for wages; or who shall willfully or wantonly injure, destroy, attempt to destroy, or threaten to injure, or destroy any property, of another; or who shall willfully or wantonly derange, or attempt, or threaten to derange, any mechanics, appliances, or devices, of another used in any lawful business or enterprise, shall be guilty of a misdemeanor.

Section 7. Any person, firm, corporation, or association of persons with the intent to supplant, nullify, or impair, the owner's, operator's, or manager's control of any lawful business, or enterprise, or who with like intent shall take, retain, attempt, or threaten to take, or retain, possession or control of any property of another or any instrumentality used in any lawful business or enterprise of another, shall be guilty of a misdemeanor.

Section 8. Any person, firm, corporation, or association of persons who shall advocate, advise, encourage, or teach the necessity, duty, propriety, or expediency of doing or practicing any of the acts or things made unlawful by this act; or who shall print, publish, audit, issue, or knowingly circulate, distribute, or display any book, pamphlet, paper, handbill, document, or written or printed matter of any form advocating, advising, teach-

ing, or encouraging such necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act; or who organizes, or helps to organize, give aid to or becomes a member of any group of persons formed to advocate, advise, or teach the necessity, duty, propriety, or expediency of violating or disregarding any of the provisions of this act shall be guilty of a misdemeanor.

Section 9. Any person, firm, corporation, or association of persons violating any of the preceding sections or provisions of this act, shall upon conviction, be punished by a fine of not less than one hundred dollars or more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than six months for the first conviction at the discretion of the court or judge trying the case; and on the second and every subsequent conviction, in addition to the fine which may be imposed, the convicted party shall be sentenced to hard labor for not less than three months, nor more than six months to be fixed by the judge or court trying the case.

Section 10. The provisions of this act shall take effect immediately upon its approval by the governor.

And asked for a Committee of Conference. The Speaker named as Committee of Conference on part of the House, Messrs. Tompkins, Harrison and Tunstall.

BILL ON THIRD READING.

H. 41 (with amendment). To amend section 7852 of the Code of Alabama, 1907.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said amendment being as follows:

Amend by adding at the end of the bill the following: "Provided, however, this act shall not apply to any cause now pending and which has heretofore been removed.

And the amendment was adopted.

Yeas, 60; Nays, 2.

Yeas:

Messrs:

Speaker	Cobbs	Harrison	Matthews (Wilcox)
Adams	Crump	Hawkins	Milford
Albright	Dunaway	Howle	Murphree
Alexander	Edwards (Dallas)	Ingram	McDonald
Allen	Ellis (Bullock)	Jones (Escambia)	Oakley
Andrews	Ellis (Elmore)	Jones (Marengo)	Orr
Arnold	Fuller	Johnson	Parker
Barganier	Gilbreath	Lawson	Partridge
Blunt	Green	Lee (Butler)	Peters
Bracken	Hall	Lee (Perry)	Pittman
Carnley	Hale	Long (Butler)	Reynolds
Cliett	Hare	Long (Sumter)	Robertson

Ross	Shaw	Truss	Waddell
Salter	Simpson	Van de Graaff	Wilson
Seale	Sparks	Varner	Woodard
—60			
<i>Nays:</i>			
Messrs:			
Christian	Smith		—2

And the bill:

H. 41. To amend section 7852 of the Code of Alabama, 1907.

As amended, was read a third time at length and lost.

Yeas, 20; Nays, 40.

Yeas:

Messrs:

Speaker	Dunaway	Hawkins	Peters
Albright	Edwards (Dallas)	Jones (Marengo)	Ross
Allen	Fuller	Long (Sumter)	Sparks
Andrews	Green	Matthews (Wilcox)	Tompkins
Burleson	Hale	Murphree	Wilson
—20			

Nays:

Messrs:

Adams	Gilbreath	Milford	Shaw
Alexander	Hall	McDonald	Simpson
Blunt	Hare	Oakley	Smith
Bracken	Harrison	Parker	Stewart
Carnley	Ingram	Partridge	Truss
Christian	Jones (Escambia)	Pittman	Tunstall
Cliett	Johnson	Reynolds	Van de Graaff
Crump	Lawson	Russell	Varner
Ellis (Bullock)	Lee (Perry)	Salter	Waddell
Ellis (Elmore)	Longshore	Seale	Woodard
—40			

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate accedes to the request of the House for a Committee on Conference on the disagreement of the two houses on the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

And the President of the Senate has names as conferees on the part of the Senate Messrs. Acker, Rogers, of Sumter, and Phillips.

W. F. Miller,
Secretary.

BILLS ON THIRD READING.

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to de-

fine the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Was read a third time at length and passed.

Yeas, 59; Nays, 0.

Yeas:

Messrs:

Speaker	Dunaway	Lawson	Ross
Adams	Edwards (Dallas)	Lee (Perry)	Russell
Albright	Ellis (Bullock)	Long (Sumter)	Salter
Alexander	Ellis (Elmore)	Longshore	Seale
Allen	Fuller	Matthews (Wileox)	Simpson
Andrews	Green	Milford	Smith
Arnold	Hall	Murphree	Sparks
Blunt	Hale	McDonald	Stewart
Bracken	Hare	Oakley	Truss
Carnley	Hawkins	Parker	Van de Graaff
Christian	Howle	Partridge	Varner
Cliett	Ingram	Peters	Waddell
Cobbs	Jones (Escambia)	Pittman	Wilson
Crump	Jones (Marengo)	Reynolds	Woodard
Dodson	Johnson	Robertson	

—59

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Was read a third time at length and passed.

Yeas, 58; Nays, 2.

Yeas:

Messrs:

Speaker	Dodson	Matthews (Wileox)	Russell
Adams	Downs	Milford	Salter
Albright	Dunaway	Mitchell	Seale
Allen	Fuller	Murphree	Shaw
Arnold	Gilbert	McDonald	Smith
Baker	Green	McLeod	Sparks
Barganier	Guy	Oakley	Stewart
Blunt	Hall	Oliver	Tompkins
Bracken	Hale	Orr	Trammell
Burleson	Harrison	Parker	Truss
Carnley	Hollis	Partridge	Tunstall
Christian	Howle	Peters	Varner
Cliett	Ingram	Pittman	Wilson
Collins	Johnson	Ross	Woodard
Crump	Lawson		

—58

Nays:

Messrs:

Van de Graaff	Waddell
---------------	---------

—2

H. 114. To provide for the more efficient construction and maintenance of the public roads and bridges of Conecuh county, Alabama; to provide for the raising revenue for the same; to authorize the commissioners' court to levy a vehicle tax on all automobiles, motor trucks and all motor vehicles of every kind and all carts, drays, log drays, hacks, surries, carriages and buggies owned and operated by the citizens of Conecuh county, Alabama, over and along the public roads of Conecuh county, Alabama; to provide the manner in which said tax shall be assessed and collected; to prescribe the duties of the tax assessor and collector of Conecuh county with respect to assessing and collecting said taxes; to provide the manner in which said tax so levied and collected shall be used; to provide a penalty and punishment for violating the act in failing to pay the tax so assessed; and to repeal all conflicting laws in so far as they apply to Conecuh county, Alabama.

Was read a third time at length and passed.

Yeas, 58; Nays, 2.

Yeas:

Messrs:

Speaker	Cobbs	Holmes	Peters
Adams	Collins	Howle	Pittman
Albright	Dodson	Ingram	Ross
Allen	Downs	Johnson	Salter
Andrews	Dunaway	Lawson	Seale
Arnold	Faulk	Milford	Shaw
Baker	Fite	Mitchell	Smith
Benners	Fletcher	Murphree	Sparks
Blunt	Fuller	McDonald	Trammell
Bracken	Green	McLeod	Truss
Burleson	Guy	Oakley	Tunstall
Carnley	Hall	Oliver	Varnier
Christian	Hare	Orr	Wilson
Clayton	Harrison	Parker	Woodard
Cliett	Hollis		

—58

Nays:

Messrs:

Van de Graaff Waddell

—2

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Was read a third time at length and passed.

Yeas, 59; Nays, 1.

Yeas:

Messrs:			
Speaker	Collins	Holmes	Ross
Adams	Crump	Howle	Russell
Albright	Dodson	Ingram	Salter
Allen	Downs	Johnson	Seale
Arnold	Edwards (Dallas)	Lawson	Shaw
Austin	Fuller	Longshore	Smith
Baker	Gilbert	Milford	Sparks
Blunt	Graham	Mitchell	Stewart
Bracken	Green	Murphree	Trammell
Burleson	Guy	McLeod	Truss
Carnley	Hall	Oakley	Tunstall
Christian	Hale	Oliver	Varner
Clayton	Hare	Orr	Wilson
Cliett	Hawkins	Peters	Woodard
Cobbs	Hollis	Pittman	

—59

Nays:

Mr. Van de Graaff—1

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Was read a third time at length and passed.

Yeas, 61; Nays, 1.

Yeas:

Messrs:			
Speaker	Cliett	Harrison	Milford
Adams	Cobbs	Hawkins	Murphree
Albright	Crump	Howle	McDonald
Alexander	Dodson	Ingram	Oakley
Allen	Dunaway	Jones (Escambia)	Parker
Andrews	Edwards (Dallas)	Jones (Marengo)	Partridge
Arnold	Ellis (Bullock)	Johnson	Peters
Barganier	Ellis (Elmore)	Lawson	Pittman
Blunt	Fuller	Lee (Perry)	Reynolds
Bracken	Green	Long (Sumter)	Ross
Carnley	Hall	Longshore	Russell
Christian	Hale	Matthews (Wilcox)	Salter

Seale	Sparks	Truss	Waddell
Shaw	Stewart	Van de Graaff	Wilson
Simpson	Tompkins	Varner	Woodard
Smith			

—61

Nays:

Mr. Hare—1

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Was read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Messrs:			
Speaker	Edwards (Dallas)	Lawson	Russell
Adams	Ellis (Bullock)	Lee (Perry)	Salter
Albright	Ellis (Elmore)	Long (Sumter)	Seale
Alexander	Fuller	Longshore	Shaw
Allen	Green	Matthews (Wilcox)	Simpson
Andrews	Hall	Milford	Smith
Arnold	Hale	Murphree	Sparks
Barganier	Hare	McDonald	Stewart
Blunt	Harrison	Oakley	Tompkins
Bracken	Hawkins	Parker	Truss
Carnley	Howle	Partridge	Van de Graaff
Christian	Ingram	Peters	Varner
Cliett	Jones (Escambia)	Pittman	Waddell
Cobbs	Jones (Marengo)	Reynolds	Wilson
Crump	Johnson	Ross	Woodard
Dunaway			

—61

H. 120. To appropriate sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Was read a third time at length and passed.

Yeas, 62; Nays, 1.

Yeas:

Messrs:			
Speaker	Cliett	Harrison	McDonald
Adams	Cobbs	Hawkins	Oakley
Albright	Dodson	Howle	Orr
Alexander	Dunaway	Ingram	Parker
Allen	Edwards (Dallas)	Jones (Escambia)	Partridge
Andrews	Ellis (Bullock)	Johnson	Peters
Arnold	Ellis (Elmore)	Lawson	Pittman
Barganier	Fuller	Lee (Perry)	Reynolds
Blunt	Gilbreath	Long (Sumter)	Ross
Bracken	Green	Longshore	Russell
Burleson	Hall	Matthews (Wilcox)	Salter
Carnley	Hale	Milford	Seale
Christian	Hare	Murphree	Shaw

Simpson
Smith
Sparks

Stewart
Tompkins
Truss

Varner
Waddell

Wilson
Woodard

—62

Nays:

Mr. Van de Graaff—1

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Was read a third time at length and passed.

Yeas, 62; Nays, 1.

Yeas:

Messrs:

Speaker
Adams
Albright
Alexander
Allen
Andrews
Arnold
Blunt
Bracken
Carnley
Christian
Cliett
Cobbs
Crump
Dunaway
Edwards (Dallas)

Ellis (Bullock)
Ellis (Elmore)
Fuller
Gilbreath
Green
Hall
Hale
Hare
Harrison
Hawkins
Howle
Ingram
Jones (Escambia)
Johnson
Lawson

Lee (Perry)
Long (Sumter)
Longshore
Matthews (Wilcox)
Milford
Murphree
McDonald
Oakley
Orr
Parker
Partridge
Peters
Pittman
Reynolds
Robertson

Ross
Russell
Salter
Seale
Shaw
Simpson
Smith
Stewart
Tompkins
Truss
Tunstall
Van de Graaff
Varner
Wilson
Woodard

—62

Nays:

Mr. Waddell—1

CONFERENCE REPORT.

On motion of Mr. Tunstall, the House concurred in and adopted the report of the Conference Committee on the disagreement of the two houses on the Senate amendment to the bill, H. 26, said Conference report being as follows:

CONFERENCE REPORT.

To the President of the Senate and the Speaker of the House:

We, your Committee of Conference, having under consideration House bill No. 26, entitled, "A bill to be entitled an act to amend and revise chapter 176 of the Code, which chapter is entitled, 'Boycotting and Blacklisting,' beg leave respectfully to report:

Your committee recommends that the Senate recede from its amendment and that the Senate pass the House bill, as the bill was passed by the House.

Respectfully submitted,

W. P. Acker,
Jno. Rogers,
B. T. Phillips,
Committee on the part of the Senate.
O. L. Tompkins,
A. M. Tunstall,
Wm. L. Harrison,
Committee on the part of the House.

Yeas, 59; Nays, 2.

Yeas:

Messrs:

Speaker	Fuller	Longshore	Seale
Adams	Gilbreath	Matthews (Wilcox)	Shaw
Albright	Green	Milford	Simpson
Alexander	Hall	Murphree	Smith
Allen	Hale	McDonald	Sparks
Andrews	Hare	Oakley	Stewart
Arnold	Harrison	Orr	Tompkins
Blunt	Hawkins	Parker	Truss
Bracken	Howle	Partridge	Tunstall
Christian	Ingram	Peters	Van de Graaff
Cliett	Jones (Escambia)	Pittman	Varner
Dunaway	Johnson	Reynolds	Waddell
Edwards (Dallas)	Lawson	Ross	Wilson
Ellis (Bullock)	Lee (Perry)	Russell	Woodard
Ellis (Elmore)	Long (Sumter)	Salter	—59

Nays:

Messrs:

Carnley	Cobbs	—2
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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the report of the Committee on Conference on the disagreement of the two houses on the bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has again passed the following House bill:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

And returns same herewith to the House.

W. F. Miller,
Secretary.

ADJOURNMENT.

On motion fo Mr. Tunstall, the House adjourned until tomorrow morning at 10 o'clock.

SEVENTEENTH DAY.

House of Representatives,

Friday, October 28th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Rev. J. W. Partridge of the House.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:			
Speaker	Dunaway	Lawson	Robertson
Adams	Edwards (Dallas)	Lee (Perry)	Ross
Albright	Ellis (Bullock)	Long (Butler)	Russell
Alexander	Ellis (Elmore)	Long (Sumter)	Salter
Allen	Fuller	Longshore	Seale
Andrews	Gilbert	Matthews (Wilcox)	Shaw
Arnold	Gilbreath	Milford	Simpson
Barganier	Green	Mitchell	Smith
Blunt	Guy	Moorer	Sparks
Bracken	Hall	Murphree	Stewart
Burleson	Hale	McDonald	Tompkins
Carnley	Hare	Oakley	Truss
Christian	Harrison	Oliver	Tunstall
Clayton	Hawkins	Orr	Van de Graaff
Cliett	Hollis	Parker	Varner
Cobbs	Howle	Partridge	Waddell
Crump	Ingram	Peters	Williamson
Deese	Jones (Escambia)	Pittman	Wilson
Dodson	Jones (Marengo)	Reynolds	Woodard
Downs	Johnson		

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the sixteenth day and finds same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the sixteenth day was approved.

REPORT OF STANDING COMMITTEES.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

S. 69. To prohibit the imposition or collection of any State, county or municipal license or special tax, on any vehicle or team, which is used principally for purposes of farming, or the marketing of farm products by or for the producer of such products.

Mr. Ross, chairman of the Standing Committee on Local Legislation, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report:

H. 129. To repeal an act to "provide for the better building, maintenance and protection of the public roads and bridges of Limestone county; to provide funds, regulations and penalties to carry the provision and purposes of this act into effect; to provide for the appointment of a county engineer and for the examination of applicants for such position," approved September 14, 1915.

H. 130. To provide for the maintenance, construction and improvement of the public roads of Limestone county, Alabama, and to provide a special fund therefor.

Mr. Murphree, chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with a favorable report, with amendment:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

The above and foregoing bills were read a second time and placed upon the calendar.

BILLS REPORTED ADVERSELY.

Mr. Tompkins, chairman of the Standing Committee on Revision of Laws, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 125. To provide that women shall have the same rights, privileges, and immunities under the law as men.

Mr. Dunaway, chairman of the Standing Committee on Ways, Means and Appropriations, reported that said committee, in session, had acted on the following bill and ordered same returned to the House with an adverse report:

H. 128. To amend section 12 of an act "To provide for the general revenue of the State of Alabama," approved September 15, 1919.

NOTICE GIVEN TO TAKE BILL FROM ADVERSE CALENDAR.

Messrs. Waddell and Peters gave notice that on the next legislative day they would move to take from the adverse calendar H. 125.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bill and joint resolution:

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Also:

H. J. R. 42. Relative to the payment of the per diem for each day of the joint committee of the House and Senate of the Legislature for the purpose of investigating the Highway Department and Convict department.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILL.

The Speaker of the House in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bill, the title to which is set out in the above and foregoing report of the Committee on Enrolled Bills. Also the H. J. R. No. 42.

BILLS ON THIRD READING.

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restrictions of membership; to give certain powers to such associations and provide how they shall do business.

Was read a third time at length and passed.

Yeas, 62; Nays, 0.

Yeas:

Messrs:

Speaker	Edwards (Dallas)	Lee (Perry)	Russell
Adams	Ellis (Bullock)	Long (Sumter)	Salter
Albright	Ellis (Elmore)	Longshore	Seale
Alexander	Fuller	Matthews (Wilcox)	Shaw
Allen	Gilbreath	Milford	Smith
Andrews	Green	Moorer	Sparks
Barganier	Guy	Murphree	Stewart
Blunt	Hall	McDonald	Tompkins
Bracken	Hale	Oakley	Truss
Burleson	Harrison	Oliver	Van de Graaff
Carnley	Hollis	Parker	Varner
Christian	Howle	Partridge	Waddell
Cliett	Ingram	Pittman	Williamson
Cobbs	Jones (Escambia)	Reynolds	Wilson
Crump	Johnson	Ross	Woodard
Dunaway	Lawson		

—62

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

Was taken up. Mr. Carnley offered the following amendment to the bill: "Amend by inserting after word "money" section 1, the following: "As fees, salary or compensation for official services rendered."

And the amendment was adopted.

Yeas, 65; Nays, 0.

Yeas:**Messrs:**

Speaker	Dunaway	Lawson	Robertson
Adams	Ellis (Bullock)	Lee (Perry)	Ross
Albright	Fuller	Long (Butler)	Russell
Alexander	Gilbreath	Longshore	Seale
Allen	Green	Matthews (Wilcox)	Shaw
Andrews	Guy	Milford	Simpson
Barganier	Hall	Moorer	Smith
Blunt	Hale	Murphree	Stewart
Bracken	Hare	McDonald	Tompkins
Burleson	Harrison	Oakley	Truss
Carnley	Hawkins	Oliver	Tunstall
Christian	Hollis	Orr	Van de Graaff
Clayton	Howle	Parker	Waddell
Cliett	Ingram	Partridge	Williamson
Cobbs	Jones (Escambia)	Peters	Wilson
Crump	Johnson	Pittman	Woodard
Deese			

—65

And the bill:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

As amended, was read a third time at length and passed.

Yeas, 63; Nays, 7.

Yeas:**Messrs:**

Speaker	Deese	Lawson	Robertson
Adams	Dunaway	Lee (Perry)	Ross
Albright	Edwards (Dallas)	Long (Sumter)	Russell
Alexander	Ellis (Bullock)	Longshore	Salter
Allen	Fuller	Matthews (Wilcox)	Seale
Andrews	Gilbreath	Milford	Shaw
Arnold	Green	Moorer	Sparks
Barganier	Hall	Murphree	Stewart
Blunt	Hale	McDonald	Tompkins
Bracken	Harrison	Oakley	Truss
Burleson	Hawkins	Oliver	Tunstall
Christian	Hollis	Orr	Varner
Clayton	Howle	Parker	Williamson
Cliett	Ingram	Partridge	Wilson
Cobbs	Jones (Escambia)	Peters	Woodard
Crump	Johnson	Pittman	

—63

Nays:**Messrs:**

Carnley	Long (Butler)	Smith	Waddell
Guy	Simpson	Van de Graaff	

MESSAGE FROM THE SENATE.**Mr. Speaker:**

The Senate has originated and passed the following bills and ordered same sent to the House without engrossment:

S. 83. To amend an act approved September 5th, 1919, entitled an act to further extend the power and authority of boards of revenue of counties having a population of more than one hundred thousand people, according to the last Federal census, or according to any subsequent Federal census, and particularly to authorize and empower such boards to appropriate money or funds out of the county treasury to aid in maintaining homes or institutions for aged women, and to authorize and empower all such boards to maintain and exercise jurisdiction and control over any home or homes or institutions for aged women within their respective counties, although incorporated or in part maintained by private donations, or otherwise.

Also:

S. 81. To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

Notice and proof hereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL.

Notice is hereby given that at the approaching extraordinary session of the Legislature of Alabama a local bill for Dale county will be introduced, and that this bill will be in substance and to the effect as follows:

Be it enacted by the Legislature of Alabama:

To provide for the purchase of county supplies from the lowest bidder; to regulate the manner of advertising for, of submitting and receiving bids, and of awarding contracts for such supplies; to regulate the delivery of supplies to the county, and to provide for the payment of same; and to provide for further economy in the expenditure of the county funds of Dale county, Alabama.

The Constitution of Alabama requires that local bills be advertised for four weeks in a paper published in the county to be affected by the operation of the proposed bill. If the forthcoming extra session of the Legislature remains in session long enough for me to give the above bill the necessary advertising, I will introduce it and work to have it passed. Should adjournment come before the four weeks advertising, it cannot, of course, be introduced.

Very truly,
Frank O. Deese.

State of Alabama, }
Dale County. }

I, John Q. Adams, hereby certify that I am the owner and publisher of The Southern Star, a weekly newspaper published at Ozark, Dale county, Alabama, and that notice of the proposed bill hereto attached has been

given for four successive weeks as required by the Constitution of Alabama in the case of local bills.

John Q. Adams.

October 25, 1921.

Before me, Peter A. Brannon, a notary public, in and for the said county of Montgomery, appeared this October 25, 1921, the said John Q. Adams, who certifies that the signature to the above statement is his.

Done at Montgomery, this October 25, 1921.

Peter A. Brannon,
Notary Public.

(Seal)

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Senate bills, the titles to which are set out in the above and foregoing message from the Senate were severally read one time and referred to appropriate Standing Committee as follows:
Local Legislation, S. 83, S. 81.

BILL ON THIRD READING.

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Was taken up. Mr. Alexander offered the following amendment to the bill:

"Amend Senate bill 45 by adding at the end thereof the following: "This act shall take effect as of October 1, 1921."

RECESS.

Pending the further consideration of the bill, S. 45, and amendment the hour of one o'clock having arrived, the House recessed until 3 p. m.

AFTERNOON SESSION.

The hour of three o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bill and returns same herewith to the House:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the

University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919.

W. F. Miller,
Secretary.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Also:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Also:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system; and to provide a penalty for the violation thereof, approved September 23, 1919.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 37. To provide for the collection of taxes by the tax collector of any county in this State when the tax record constituting the tax collector's warrant or authority for collection of such

taxes is lost, stolen or destroyed, and to regulate suits which have been or may hereafter be filed against any tax collector or his sureties arising out of any alleged wrongful collection of, or wrongful attempt to collect taxes where such tax records are lost, stolen or destroyed before or during the trial of any such suits.

Also:

S. 22. To provide a statutory method for substituting any tax record in any county in this State and giving to the substituted records the same force and effect for all purposes as the original had, where such original record has been lost, stolen or destroyed, which method shall not be exclusive of any other method already existing.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Was taken up. Mr. Orr offered the following substitute for the bill:

Amend Senate bill No. 30 so as to read as follows:

A BILL

To be entitled an act to propose an amendment to the Constitution of Alabama authorizing the State to locate, construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to

an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is hereby proposed, and an election is hereby ordered by the qualified electors of the State upon such proposed amendment, and the day hereby appointed for such election is the first Monday after the expiration of three months from and after the final adjournment of the present extra session of the Legislature at which this amendment is proposed. The proposed amendment is as follows:

"Article XX. Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State highway commission or highway department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set

aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

Section 2. Notice of the election hereby ordered, together with the amendment hereby proposed, shall be given by a proclamation of the governor which shall be published in one newspaper once a week in each county in the State, for at least eight successive weeks next preceding the day hereby appointed for such election.

Section 3. At the election hereby ordered to be held as herein provided, the qualified electors shall vote on said proposed amendment; and on the official ballot printed for such election there shall be printed the following, viz.:

"Shall the following be adopted as article XX of the Constitution of Alabama?

"Section 1. The State is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end, and for this purpose, the State is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable State bonds, in an amount not to exceed the sum of twenty-five millions of dollars (\$25,000,000.00), to be issued in such denominations, numbers and series, and maturing at such time, as may be provided for by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. Provided, that no bonds shall be issued or sold, under this provision, to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State highway commission or highway department shall locate, construct, and maintain highways and State trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the State line with a public road in the border states. Provided, that in counties

which are divided into two or more judicial divisions in each of which regular terms of circuit court are held, the places where said terms of court are held shall likewise be connected with each other. It shall be the duty of said highway commission or highway department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State highway commission in each county in the State. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this State. Such bonds when issued shall be a direct obligation of the State, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the State is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind."

"Yes....."

"No....."

The choice of the elector shall be indicated by a cross mark made by him or under his direction opposite the word expressing his desire.

Section 4. Officers to hold such election shall be the same, and shall be appointed in the same manner and by the same officials as now provided by the election laws of the State for the appointment of officers to hold elections in this State, and the election shall be held in all things in accordance with this act, the law governing general elections, and the constitutional provisions concerning amendments to the Constitution.

Section 5. The votes cast at such election shall be canvassed, tabulated, and returns thereof made to the secretary of State, and counted in the same manner as in elections for representatives to the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendment voted in favor of the same, such amendment shall be valid to all intents and purposes as a part of the Constitution of the State of Alabama. The result of such election shall be made known by a proclamation of the governor.

And the substitute was adopted.

Yeas, 69; Nays, 1.

Yeas:

Messrs:

Speaker
Adams

Albright
Alexander

Allen
Andrews

Arnold
Blunt

Bracken	Guy	Matthews (Wilcox)	Seale
Burleson	Hall	Milford	Shaw
Carnley	Hale	Moorer	Simpson
Christian	Hare	Murphree	Smith
Clayton	Harrison	McDonald	Sparks
Cliett	Hawkins	Oakley	Stewart
Cobbs	Hollis	Orr	Tompkins
Crump	Howle	Parker	Truss
Deese	Ingram	Partridge	Tunstall
Dunaway	Jones (Escambia)	Peters	Van de Graaff
Edwards (Dallas)	Johnson	Pittman	Varner
Ellis (Bullock)	Lawson	Robertson	Waddell
Ellis (Elmore)	Lee (Perry)	Ross	Williamson
Fuller	Long (Sumter)	Russell	Wilson
Gilbreath	Longshore	Salter	Woodard
Green			

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Nays:

Mr. Long (Butler)—1

And the bill:

S. 30. To propose an amendment to the Constitution of Alabama authorizing the State to construct, improve, repair, and maintain public roads, highways, and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

As amended by the substitute, was read a third time at length and passed.

Yeas, 69; Nays, 1.

Yeas:

Messrs:

Speaker	Crump	Hollis	Orr
Adams	Deese	Howle	Parker
Albright	Dunaway	Ingram	Partridge
Alexander	Edwards (Dallas)	Jones (Escambia)	Peters
Allen	Ellis (Bullock)	Johnson	Pittman
Andrews	Ellis (Elmore)	Lawson	Robertson
Arnold	Fuller	Lee (Perry)	Ross
Blunt	Gilbreath	Long (Sumter)	Russell
Bracken	Green	Longshore	Salter
Burleson	Guy	Matthews (Wilcox)	Seale
Carnley	Hall	Milford	Shaw
Christian	Hale	Moorer	Simpson
Clayton	Hare	Murphree	Smith
Cliett	Harrison	McDonald	Sparks
Cobbs	Hawkins	Oakley	Stewart

Tompkins
Truss
Tunstall

Van de Graaff
Varner

Waddell
Williamson

Wilson
Woodard

—69

Nays:

Mr. Long (Butler)—1

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 30. To propose an amendment to the Constitution of Alabama, authorizing the State to locate, construct, improve, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars, (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the final adjournment of the present special session of the Legislature.

W. F. Miller,
Secretary.

UNFINISHED BUSINESS.

The House proceeded to the consideration of the unfinished business which was the bill:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

The question was upon the adoption of the amendment offered by Mr. Alexander.

And the amendment was adopted.

Yeas, 39; Nays, 25.

Yeas:

Messrs:

Albright
Alexander
Allen
Andrews
Blunt
Burleson
Christian
Clayton
Deese
Dunaway

Edwards (Dallas)
Ellis (Bullock)
Ellis (Elmore)
Green
Guy
Hall
Hale
Hawkins
Hollis
Howle

Ingram
Jones (Escambia)
Johnson
Lee (Perry)
Long (Butler)
Long (Sumter)
Matthews (Wilcox)
McDonald
Oakley
Parker

Peters
Ross
Salter
Shaw
Simpson
Smith
Tunstall
Williamson
Woodard

—39

*Nays:***Messrs:**

Speaker	Gilbreath	Murphree	Stewart
Adams	Hare	Partridge	Tompkins
Bracken	Harrison	Pittman	Truss
Cliett	Lawson	Robertson	Van de Graaff
Cobbs	Longshore	Russell	Waddell
Crump	Milford	Seale	Wilson
Fuller			

—25.

And the bill:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

As amended, was read a third time at length and lost, not receiving the majority required by the Constitution.

Yeas, 41; Nays, 24.

*Yeas:***Messrs:**

Albright	Dunaway	Hollis	Parker
Alexander	Edwards (Dallas)	Howle	Peters
Allen	Ellis (Bullock)	Jones (Escambia)	Ross
Andrews	Ellis (Elmore)	Johnson	Salter
Blunt	Fuller	Leo (Perry)	Shaw
Burleson	Green	Long (Butler)	Simpson
Carnley	Guy	Long (Sumter)	Smith
Christian	Hall	Matthews (Wilcox)	Tunstall
Clayton	Hale	McDonald	Williamson
Cobbs	Hawkins	Oakley	Woodard
Deese			

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*Nays:***Messrs:**

Speaker	Hare	Murphree	Stewart
Adams	Harrison	Partridge	Tompkins
Bracken	Ingram	Pittman	Truss
Cliett	Lawson	Robertson	Van de Graaff
Crump	Longshore	Seale	Waddell
Gilbreath	Milford	Sparks	Wilson

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MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am directed by the governor to hand you herewith his message concerning the development and utilization of hydro-electric power on the Tennessee river at Muscle Shoals.

W. A. Darden,
Secretary to the Governor.

October 28, 1921.

GOVERNOR'S MESSAGE.

The governor's message was read as follows and ordered spread upon the journal:

To the Senate and House of Representatives:

The subject of developing and utilizing hydro-electric power on the Tennessee river at or near Muscle Shoals in this State is today, in my judgment, the most important subject, from an industrial standpoint, which has ever arisen in this State. All the people of Alabama are now intensely interested in the speedy completion, development, and distribution of this enormous electrical energy which promises to be one of the greatest projects of its kind in all the history of this or any other state. For these reasons it occurs to me eminently proper, if not necessary, that the State itself should manifest interest in this stupendous project by taking some appropriate action toward promoting, encouraging, and aiding in the development, utilization, and distribution of this wonderful force and electric energy.

It is common knowledge that hydro-electric power is fast taking the place of steam, gases, and other forms of electricity. It will be but a few years until this form of power and energy will be the chief, if not the exclusive, motive power and energy with which to drive the countless wheels of machinery of most all of the important industries in all the states. Few states, if any, in the union possess more or greater water powers with which to develop hydro-electric energy than the State of Alabama. Nature has been so generous to this section as to almost lavish her gifts of navigable streams and water powers. It, therefore, behooves the State of Alabama as a sovereign state to take action to the end of developing, conserving, preserving, and utilizing and distributing this wonderful power which nature has so generously provided. While the people themselves are intensely interested in this matter, the State itself has manifested little or no interest in the subject. Is it not, therefore, time that the State itself should take some appropriate action in aiding the United States or other parties in developing and utilizing this power for the common good of the people of this State?

Under the Constitution and laws of the State and United States the title to the waters and to the lands covered by the waters of all navigable streams is in the several states.

When the American revolution took place the people of each state or colony became themselves a sovereign, and in that character they hold the absolute right to their navigable waters and the soil under them and the banks of them for their own common use, subject only to the rights thereafter surrendered by the states to the United States by and through the Constitution. The power exercised by the State over the navigable waters and the lands under them and the water powers is nothing more than the right of regulating, improving, and securing them for the benefit of every individual citizen of the State. For this reason this sovereign power itself cannot consistently with the law of nature and of well-organized society make a direct and absolute grant or surrender of the rights and powers over the navigable waters of the State so as to divest the citizens of their common and inheritable right thereto. To do so would be a grievance which could not and would not be long borne by a free people.

The character of the title or ownership by which the state holds its statehouse or other property is quite different from that by which it holds the title to the navigable waters and the water powers, and the lands under the navigable waters of the State. The legislature of a state cannot give away or sell absolutely the discretion of its successors in respect to matters, the government of which from the very nature of things must vary with varying circumstances. The legislation which may be needed one day for the water power or for navigation may be different from the legislation that may be required at another day. Any attempted cession of the ownership of the State in and over the water power of the navigable waters of the State would be inoperative to, affect, modify, or control sovereignty

and dominion of the State over such navigable waters or of the water powers thereof, or of its ownership therein.

It is, therefore, not only the right but the duty of the State to develop and utilize these powers, or cause them to be developed and utilized, unless the United States asserts its power and authority in such sense and manner as to be inconsistent with the exercise of the State's power and control over the navigable waters of the State. As to the water powers of this State, it cannot consistently with the law of nature or of the United States make a direct and absolute grant or surrender of its rights and powers so as to divest the inhabitants of the State of their common and inheritable right thereto. While the State itself could not now engage in the business of improving and utilizing the water powers of the State, it can co-operate with the United States or with third parties in developing and regulating the utilization of such powers so as to secure them for the benefit of the people of the State.

In the event that there should be unreasonable delay or entire failure to complete the development of hydro-electric energy at or near Muscle Shoals in the State of Alabama by the United States or its lessees for the purpose of developing and utilizing this power of the Tennessee river, will it not be proper, yea, necessary, that the people of this State amend their Constitution so as to authorize the State itself to acquire from the government of the United States the property owned and controlled by it at Muscle Shoals and with the consent of and in conjunction with the United States complete and perfect the work thus begun by the United States?

I commend this subject to your most earnest consideration.

Respectfully,
Thos. E. Kilby,
Governor.

October 28, 1921.

RESOLUTION.

The following resolution was introduced:

By Mr. Sparks:

H. J. R. 49. Whereas, the development of hydro-electric power on the Tennessee river at or near Muscle Shoals in the State of Alabama, and its employment in the industries of this State is among the most important, if not the most important subject, from an industrial standpoint, which has ever arisen in this State; and

Whereas, the State of Alabama, as well as all of its citizens and inhabitants, are intensely interested in the immediate completion, development, and distribution of this electric energy which promises to be the greatest of its kind in all the country; and

Whereas, the State of Alabama as trustee of all the people of the State of Alabama has a proprietary interest in and right to the waters of the Tennessee river at the point where this power is to be developed and utilized; and

Whereas, it would be almost a calamity if this project of developing and utilizing this enormous electric energy should fail of completion; and

Whereas, the United States government has under consideration at present bids and offers from Mr. Ford of Michigan, et

als, to complete the development of this power, heretofore undertaken by the Federal government itself; and

Whereas, it is fit and appropriate, if not absolutely necessary, that the State of Alabama should co-operate and collaborate with the United States government and Mr. Ford, or others, who may complete the development and utilization of this great hydro-electric power in this State,

Therefore, be it resolved by the House, the Senate concurring:

First. That the governor of this State is hereby authorized and directed in person, or through such counsel or agencies as he may designate or employ as far as practicable to keep advised and in touch with all pending and proposed transactions made before the Federal authorities, and all proposed legislation by the Congress of the United States, relating to the completion, development, or disposition of such power, and the plants for the generation thereof, and all relating property to the operation or use thereof and to all things necessary to encourage the prompt completion of such plant and the lease or other disposition thereof on terms that are reasonable and tend to the promotion and conservation of the rights of the State of Alabama, as well as the best interest of all the people of this State.

Second. That the governor is hereby authorized to appoint or employ a commission or commissioners, counsel or other agents or agencies to investigate and report its recommendations relative to such development to the next regular session of the Legislature, such reports to cover, among any other subjects which may be deemed advisable by the governor, or by such agents or agencies, whether it is proper that any particular plan or program can be encouraged or expedited by the State for the development of said power and energy and for its use and distribution through private agencies on terms that will insure the reasonable regulations of the utility and which will reasonable conserve and protect the interest of the State and of its citizens in the premises.

Third. That the commission, or commissioners, counsel, or other agents or agencies appointed by the governor to investigate and report its recommendations, report such plan or program by which the State of Alabama may co-operate with the United States or any lessee thereof in the development, operation, and distribution of such power, together with such legislation or amendments to the Constitution of the State which may be considered necessary or appropriate in the premises.

And the Resolution was referred to the Standing Committee on Rules:

BILLS ON THIRD READING.

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

Was taken up. Mr. Ross offered the following amendment to the bill:

AMENDMENT TO SENATE BILL NO. 52.

Amend the bill by striking out the following: "Provided, however, that in counties where these officers are paid salaries, no commissions or fees shall be allowed for assessing and collecting the three mill county school tax and the three mill district school tax," and insert in lieu thereof the following: "Provided, however, that in counties of more than 150,000 population according to the last Federal census, or any subsequent Federal census, no fees or commissions shall be allowed for assessing and collecting the three mill county school tax and the three mill district school tax, but in lieu thereof the tax collector and tax assessor of such counties shall each retain the sum on one thousand (\$1,000) dollars per annum for their services rendered in assessing and collecting such taxes, which said amount shall not be paid by said assessor or collector into the general funds of the county, and said collector or assessor may retain such amount out of the three mill county school tax when he makes payment to the treasurer of the county school board."

Also, amend the bill by adding the following: "Be it further enacted that this bill will become effective when approved by the governor of Alabama. All laws and parts of laws in conflict herewith, are hereby repealed."

And the amendment was adopted.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Speaker	Dunaway	Jones (Escambia)	Ross
Albright	Edwards (Dallas)	Johnson	Russell
Alexander	Ellis (Bullock)	Lawson	Salter
Allen	Ellis (Elmore)	Lee (Perry)	Seale
Andrews	Fuller	Long (Sumter)	Shaw
Blunt	Gilbreath	Longshore	Smith
Bracken	Green	Matthews (Wilcox)	Sparks
Burleson	Guy	Milford	Stewart
Carniey	Hall	Murphree	Tompkins
Christian	Hale	McDonald	Truss
Clayton	Hare	Oakley	Tunstall
Cliett	Harrison	Parker	Van de Graaff
Cobbs	Hawkins	Partridge	Waddell
Crump	Howle	Peters	Wilson
Deese	Ingram	Pittman	Woodard

And the bill:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

As amended, was read a third time at length and passed.

Yeas, 59; Nays, 1.

Yeas:

Messrs:

Speaker	Dunaway	Jones (Escambia)	Russell
Albright	Edwards (Dallas)	Johnson	Salter
Alexander	Ellis (Bullock)	Lawson	Seale
Allen	Ellis (Elmore)	Lee (Perry)	Shaw
Andrews	Fuller	Long (Sumter)	Smith
Blunt	Gilbreath	Matthews (Wilcox)	Sparks
Bracken	Green	Milford	Stewart
Burleson	Guy	Murphree	Tompkins
Carnley	Hall	McDonald	Truss
Christian	Hale	Oakley	Tunstall
Clayton	Hare	Parker	Van de Graaff
Cliett	Harrison	Partridge	Waddell
Cobbs	Hawkins	Peters	Wilson
Crump	Howle	Pittman	Woodard
Deese	Ingram	Ross	

—59

Nays:

Mr. Arnold—1

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, management, supervision, repair, maintenance and improvement of such street or streets or part thereof, and to repeal all laws and parts of laws in conflict with the provisions of this act.

Was read a third time at length and passed.

Yeas, 58; Nays, 1.

Yeas:

Messrs:

Speaker	Burleson	Dunaway	Hall
Albright	Carnley	Edwards (Dallas)	Hale
Alexander	Christian	Ellis (Bullock)	Hare
Allen	Clayton	Ellis (Elmore)	Harrison
Andrews	Cliett	Fuller	Hawkins
Arnold	Cobbs	Gilbreath	Howle
Blunt	Crump	Green	Ingram
Bracken	Deese	Guy	Jones (Escambia)

Johnson	Murphree	Salter	Truss
Lawson	McDonald	Seale	Tunstall
Lee (Perry)	Partridge	Shaw	Van de Graaff
Long (Sumter)	Peters	Smith	Varner
Longshore	Pittman	Stewart	Wilson
Matthews (Wilcox)	Ross	Tompkins	Woodard
Milford	Russell		

--58

Nays:

Mr. Waddell—1

S. 64. To provide for the payment of compensation and expenses of a solicitor when required by law to perform duties in other judicial circuits than his own.

Was read a third time at length and lost, not receiving the majority required by the Constitution.

Yeas, 31; Nays, 27.

*Yeas:**Messrs:*

Speaker	Edwards (Dallas)	Long (Sumter)	Seale
Allen	Fuller	Matthews (Wilcox)	Shaw
Arnold	Gilbreath	Murphree	Truss
Bracken	Green	Partridge	Tunstall
Cliett	Hale	Peters	Varner
Cobbs	Hare	Ross	Waddell
Crump	Harrison	Russell	Wilson
Dunaway	Hawkins	Salter	

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*Nays:**Messrs:*

Albright	Clayton	Ingram	Pittman
Alexander	Deese	Jones (Escambia)	Smith
Andrews	Ellis (Bullock)	Johnson	Stewart
Blunt	Ellis (Elmore)	Lawson	Tompkins
Burleson	Guy	Leo (Perry)	Van de Graaff
Carnley	Hall	Long (Butler)	Woodard
Christian	Howle	Milford	

—27

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October, 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

Was read a third time at length and passed.

Yeas, 40; Nays, 18.

*Yeas:**Messrs:*

Speaker	Bracken	Deese	Hale
Albright	Burleson	Dunaway	Hare
Alexander	Clayton	Edwards (Dallas)	Hawkins
Allen	Cliett	Fuller	Howle
Andrews	Cobbs	Green	Ingram
Arnold	Crump	Hall	Lawson

Long (Sumter)	Pittman	Seale	Truss
Longshore	Ross	Shaw	Tunstall
Milford	Russell	Sparks	Wilson
Murphree	Salter	Tompkins	Woodard

—40

*Nays:**Messrs:*

Blunt	Gilbreath	Lee (Perry)	Stewart
Carnley	Guy	Matthews (Wilcox)	Van de Graaff
Christian	Harrison	Partridge	Varner
Ellis (Bullock)	Jones (Escambia)	Smith	Waddell
Ellis (Elmore)	Johnson		

—18

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

Was read a third time at length and passed.

Yeas, 58; Nays, 2.

*Yeas:**Messrs:*

Speaker	Edwards (Dallas)	Long (Butler)	Pittman
Adams	Ellis (Bullock)	Long (Sumter)	Ross
Albright	Ellis (Elmore)	Longshore	Russell
Alexander	Gilbreath	Matthews (Wilcox)	Simpson
Allen	Guy	Milford	Smith
Arnold	Hall	Moorer	Sparks
Barganier	Harrison	Murphree	Stewart
Blunt	Hawkins	McDonald	Tompkins
Bracken	Hollis	Oakley	Truss
Carnley	Howle	Oliver	Tunstall
Christian	Ingram	Orr	Varner
Clayton	Jones (Escambia)	Parker	Williamson
Cliett	Johnson	Partridge	Wilson
Crump	Lawson	Peters	Woodard
Deese	Lee (Perry)		

—58

*Nays:**Messrs:*

Van de Graaff	Waddell
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—2

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

Was read a third time at length and passed.

Yeas, 60; Nays, 0.

Yeas:

Messrs:

Speaker	Edwards (Dallas)	Long (Butler)	Ross
Adams	Ellis (Bullock)	Long (Sumter)	Russell
Albright	Ellis (Elmore)	Longshore	Simpson
Alexander	Gilbreath	Matthews (Wilcox)	Smith
Allen	Guy	Milford	Sparks
Arnold	Hall	Moorer	Stewart
Barganier	Harrison	Murphree	Tompkins
Blunt	Hawkins	McDonald	Truss
Bracken	Hollis	Oakley	Tunstall
Carnley	Howle	Oliver	Van de Graaff
Christian	Ingram	Orr	Varner
Clayton	Jones (Escambia)	Parker	Waddell
Cliett	Johnson	Partridge	Williamson
Crump	Lawson	Peters	Wilson
Deese	Lee (Perry)	Pittman	Woodard

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CERTIFICATE OF CLERK.

I hereby certify that the following bills were delivered to the governor on the date and hour named and that I hold the receipt of the executive department for same:

Oct. 28, 1921. 12:20 p. m.

H. 96. To amend section 3 of an act entitled "An act to amend sections 1 and 2 and 5 of an act entitled 'An act to amend the title and sections 1, 3, 4, 5, 6, 9, 14, 15, 20, 21, 23, 25, 26, 30, 33, 34, 39, 41, 45 and 46 and to repeal sections 31 and 32 of an act entitled 'An act to create a banking department of the State of Alabama and through this department to regulate, examine and supervise banks and banking and to punish certain prohibited acts relating thereto,' approved March 2, 1911,' approved February 15, 1915," approved September 27, 1919.

Also:

H. J. R. 42. Enrolled, House joint resolution relative to the payment of the per diem for each day of the joint committee of the House and Senate of the Legislature for the purpose of investigating the highway department and the convict department.

Oct. 28, 1921, 5 p. m.:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Also:

H. 26. To amend and revise chapter 176 of the Code, which chapter is entitled "Boycotting and Blacklisting."

Also:

H. 10. To amend section 8 of "An act to provide for the employment of State convicts in mining coal on the coal lands of the University of Alabama, and to abolish the lease system;

and to provide a penalty for the violation thereof, approved September 23, 1919.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Fred H. Gormley,
Clerk.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

W. F. Miller,
Secretary.

ADJOURNMENT.

On motion of Mr. Long of Butler the House adjourned until tomorrow morning at nine o'clock.

EIGHTEENTH DAY.

House of Representatives,
Saturday, October 29th, 1921.

The House met pursuant to adjournment.

PRAYER.

The session was opened with prayer by Prof. W. Y. Adams, member of the House from the county of Blount.

ROLL CALL.

On a call of the roll of the House the following members answered to their names:

Messrs:

Speaker	Arnold	Christian	Edwards (Dallas)
Adams	Barganier	Clayton	Ellis (Bullock)
Albright	Blunt	Cliett	Ellis (Elmore)
Alexander	Bracken	Cobbs	Fletcher
Allen	Burleson	Deese	Fuller
Andrews	Carnley	Dunaway	Gilbreath

Green	Lee (Butler)	Partridge	Sparks
Guy	Lee (Perry)	Peters	Stewart
Hale	Long (Sumter)	Pittman	Tompkins
Hare	Longshore	Robertson	Truss
Harrison	Matthews (Wilcox)	Ross	Tunstall
Hawkins	Milford	Russell	Van de Graaff
Hollis	Murphree	Salter	Varner
Howle	McDonald	Seale	Waddell
Ingram	Oliver	Shaw	Williamson
Jones (Escambia)	Orr	Simpson	Wilson
Johnson	Parker	Smith	Woodard
Lawson			

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A quorum was present.

JOURNAL.

The Chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the seventeenth day and finds same to be correct.

W. H. Shaw,
Chairman.

The report of the committee was concurred in and adopted and the journal for the seventeenth day was approved.

RESOLUTION.

The following resolution was introduced:

By Mr. Deese:

H. J. R. 50. Be it resolved by the House, the Senate concurring, that when the acts of the Legislature and the journal of each house of the Special Session of the Legislature of 1921 shall have been published, the Secretary of State is hereby directed to send to every Senator and Representative, Lieutenant Governor, Secretary and Assistant Secretary of the Senate, Clerk and Assistant Clerk of the House, two copies of said Acts of 1921, together with one copy of the journal of each house.

The rules were suspended and the resolution was adopted.

The following resolution was introduced:

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the House to the bill:

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

W. F. Miller,
Secretary.

BILL INDEFINITELY POSTPONED.

On motion of Mr. Truss:

S. 56. To amend section 36 of "An act to regulate elections; to provide for the registration of electors and the preparation and furnishing of a list of qualified electors to the election inspectors," approved October 2nd, 1920.

Was indefinitely postponed.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills and returns same herewith to the House:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Also:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Also:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Also:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this Special Session of the Legislature.

Also:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Also:

H. 52. For the relief of Rev. J. M. Johnson, of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State Penitentiary at Wetumpka, Alabama.

And has amended and as amended as therein shown has passed:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Arnold the House concurred in and adopted the Senate amendment to the bill, H. 57, said Senate amendment being as follows:

To amend section 4 of the bill by striking out of the third line of that section the words "the fund from which such interest is derived," and insert in lieu thereof "the general school fund of the county."

Yeas, 63; Nays, 1.

Yeas:

Messrs:
Speaker
Adams

Albright
Alexander

Allen
Andrews

Arnold
Barganier

Benners	Fletcher	Long (Sumter)	Russell
Blunt	Gilbreath	Longshore	Salter
Bracken	Green	Matthews (Wileox)	Seale
Burleson	Hale	Milford	Shaw
Carnley	Hare	McDonald	Smith
Christian	Harrison	Orr	Stewart
Cliett	Hawkins	Parker	Truss
Cobbs	Hollis	Partridge	Tunstall
Crump	Howle	Peters	Van de Graaff
Deese	Ingram	Pittman	Varner
Dunaway	Jones (Escambia)	Preston	Williamson
Edwards (Dallas)	Johnson	Reynolds	Wilson
Ellis (Bullock)	Lawson	Robertson	Woodard
Ellis (Elmore)	Lee (Perry)	Ross	

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Nays:

Mr. Waddell—1

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has passed the following House bills:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

And has amended and as amended as therein shown has passed:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to com-

ply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Howle, the House concurred in and adopted the Senate amendment to the bill, H. 42, said Senate amendment being as follows:

Amend House bill 42 by inserting in said bill in line 9 of the second page after the words "for the calendar year" and before the words "preceding the date herein fixed" the word "next."

Yeas, 63; Nays, 0.

Yeas:

Messrs:

Speaker	Cobbs	Ingram	Robertson
Adams	Crump	Jones (Escambia)	Ross
Albright	Deese	Johnson	Russell
Alexander	Edwards (Dallas)	Lawson	Salter
Allen	Ellis (Bullock)	Lee (Perry)	Seale
Andrews	Ellis (Elmore)	Longshore	Shaw
Arnold	Fletcher	Matthews (Wilcox)	Smith
Barganier	Fuller	Milford	Stewart
Benness	Gilbreath	McDonald	Truss
Blunt	Green	Orr	Van de Graaff
Bracken	Guy	Parker	Varner
Burleson	Hale	Partridge	Waddell
Carnley	Hare	Peters	Williamson
Christian	Harrison	Pittman	Wilson
Clayton	Hollis	Preston	Woodard
Cliett	Howle	Reynolds	

—63

BILLS ON THIRD READING.

S. 77 (with amendment). To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said committee amendment being as follows:

Amend caption of bill by striking out of the caption the following words: "The dog tax fund now in."

Amend section 2 of the bill by striking out the following words: "The dog tax fund now in."

By adding to said bill section 3 as follows:

"Section 3. The amount appropriated under this act shall not exceed the sum of twenty thousand dollars (\$20,000)."

And the amendment was adopted.

Yeas, 59; Nays, 1.

Yeas:

Messrs:

Adams	Crump	Lawson	Ross
Albright	Deese	Lee (Perry)	Russell
Alexander	Dunaway	Long (Sumter)	Salter
Allen	Edwards (Dallas)	Longshore	Seale
Andrews	Ellis (Bullock)	Matthews (Wilcox)	Shaw
Arnold	Ellis (Elmore)	Milford	Smith
Barganier	Gilbreath	McDonald	Stewart
Benners	Green	Orr	Tunstall
Blunt	Hale	Parker	Van de Graaff
Bracken	Hawkins	Partridge	Varner
Carnley	Hollis	Peters	Waddell
Christian	Howle	Pittman	Williamson
Clayton	Ingram	Preston	Wilson
Cliett	Jones (Escambia)	Reynolds	Woodard
Cobbs	Johnson	Robertson	

—59

Nays:

Mr. Guy—1

Mr. Van de Graaff offered the following amendment to the bill:

"Amend section 1 by striking out the words "the dog tax fund by" and by striking out the word "of" before the words "the State health officer" and inserting in lieu thereof the word "by."

And the amendment was adopted.

Yeas, 61; Nays, 0.

Yeas:

Messrs:

Adams	Crump	Jones (Escambia)	Ross
Albright	Deese	Johnson	Russell
Alexander	Dunaway	Lawson	Salter
Allen	Edwards (Dallas)	Lee (Perry)	Seale
Andrews	Ellis (Bullock)	Long (Sumter)	Shaw
Arnold	Ellis (Elmore)	Longshore	Smith
Barganier	Fuller	Matthews (Wilcox)	Stewart
Benners	Gilbreath	Milford	Truss
Blunt	Green	McDonald	Tunstall
Bracken	Guy	Parker	Van de Graaff
Burleson	Hale	Partridge	Varner
Carnley	Hawkins	Peters	Waddell
Christian	Hollis	Pittman	Williamson
Clayton	Howle	Preston	Wilson
Cliett	Ingram	Robertson	Woodard
Cobbs			

—61

And the bill:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury,

of indigent persons who have been bitten by mad dogs or other mad animals.

As amended, was read a third time at length and passed.
Yeas, 68; Nays, 0.

Yeas:

Messrs:			
Adams	Deese	Jones (Escambia)	Ross
Albright	Dunaway	Johnson	Russell
Alexander	Edwards (Dallas)	Lawson	Salter
Allen	Ellis (Bullock)	Lee (Perry)	Seale
Andrews	Ellis (Elmore)	Long (Sumter)	Shaw
Arnold	Fletcher	Longshore	Smith
Barganier	Fuller	Matthews (Wilcox)	Sparks
Benners	Gilbreath	Murphree	Stewart
Blunt	Green	McDonald	Tompkins
Bracken	Guy	Orr	Truss
Burleson	Hale	Parker	Tunstall
Carnley	Hare	Partridge	Van de Graaff
Christian	Harrison	Peters	Varnier
Clayton	Hawkins	Pittman	Waddell
Cliett	Hollis	Preston	Williamson
Cobbs	Howle	Reynolds	Wilson
Crump	Ingram	Robertson	Woodard

—68

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

Was read a third time at length and passed.
Yeas, 62; Nays, 0.

Yeas:

Messrs:			
Adams	Deese	Johnson	Russell
Albright	Dunaway	Lawson	Salter
Alexander	Edwards (Dallas)	Lee (Perry)	Seale
Allen	Ellis (Elmore)	Long (Sumter)	Smith
Andrews	Fuller	Longshore	Sparks
Arnold	Gilbreath	Matthews (Wilcox)	Stewart
Barganier	Green	Murphree	Tompkins
Blunt	Guy	McDonald	Truss
Bracken	Hale	Partridge	Tunstall
Burleson	Hare	Peters	Van de Graaff
Carnley	Harrison	Pittman	Varnier
Christian	Hawkins	Preston	Waddell
Clayton	Hollis	Reynolds	Williamson
Cliett	Howle	Robertson	Wilson
Cobbs	Ingram	Ross	Woodard
Crump	Jones (Escambia)		

—62

S. 18. To amend section 6906 of the Code of Alabama, (1907).

Was taken up. Mr. Varner offered the following amendment to the bill:

Amend Senate bill 18 by adding after the figures "1907" the following:

"Be it enacted by the Legislature of Alabama: Section 1. That section 6906 of the Code of Alabama, 1907, be amended."

And the amendment was adopted.

Yeas, 59; Nays, 0.

Yeas:

Messrs:

Speaker	Deese	Jones (Escambia)	Russell
Adams	Dunaway	Johnson	Salter
Albright	Edwards (Dallas)	Lawson	Seale
Alexander	Ellis (Bullock)	Lee (Perry)	Smith
Allen	Ellis (Elmore)	Long (Sumter)	Sparks
Andrews	Fuller	Longshore	Tompkins
Barganier	Gilbreath	Matthews (Wilcox)	Truss
Blunt	Guy	Murphree	Tunstall
Bracken	Hale	McDonald	Van de Graaff
Burleson	Hare	Partridge	Varner
Carnley	Harrison	Peters	Waddell
Christian	Hawkins	Pittman	Williamson
Clayton	Hollis	Preston	Wilson
Cliett	Howle	Reynolds	Woodard
Cobbs	Ingram	Ross	

—59

And the bill:

S. 18. To amend section 6906 of the Code of Alabama, (1907).

As amended, was read a third time at length and passed.

Yeas, 61; Nays, 0.

Yeas:

Messrs:

Speaker	Dunaway	Jones (Escambia)	Ross
Adams	Edwards (Dallas)	Johnson	Russell
Albright	Ellis (Bullock)	Lawson	Salter
Alexander	Ellis (Elmore)	Lee (Perry)	Seale
Allen	Fuller	Long (Sumter)	Smith
Andrews	Gilbreath	Longshore	Sparks
Arnold	Green	Matthews (Wilcox)	Tompkins
Barganier	Guy	Murphree	Truss
Blunt	Hale	McDonald	Tunstall
Bracken	Hare	Parker	Van de Graaff
Burleson	Harrison	Partridge	Varner
Carnley	Hawkins	Peters	Waddell
Clayton	Hollis	Pittman	Williamson
Cliett	Howle	Preston	Wilson
Cobbs	Ingram	Reynolds	Woodard
Deese			

—61

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Also:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Also:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Also:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00 for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this special session of the Legislature.

Also:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report of the Committee on Enrolled Bills.

BILL ON THIRD READING.

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907.)

Was read a third time at length and passed.

Yeas, 63; Nays, 1.

Yeas:

Messrs:

Speaker

Adams

Albright

Alexander

Allen

Andrews

Arnold

Barganier

Benners

Blunt

Bracken

Burleson

Christian

Cliett

Cobbs

Crump

Deese

Edwards (Dallas)

Ellis (Bullock)

Ellis (Elmore)

Fletcher

Fuller

Gilbreath

Green

Guy

Hale

Hare

Harrison

Hollis

Howle

Ingram

Jones (Escambia)

Johnson

Lawson

Lee (Perry)

Long (Sumter)

Longshore

Matthews (Wilcox)

Murphree

McDonald

Parker

Partridge

Peters

Pittman

Preston

Reynolds

Rose

Russell

Salter

Seale

Shaw

Smith

Sparks

Stewart

Tompkins

Truss

Tunstall

Van de Graaff

Varner

Waddell

Williamson

Wilson

Woodard

—63

Nays:

Mr. Carnley—1.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning House Bill No. 46.

W. A. Darden,
Secretary to the Governor.

October 29, 1921.

GOVERNOR'S MESSAGE.

On motion of Mr. Arnold, the House concurred in and adopted the amendment proposed by the governor to the bill, H. 46, said governor's amendment being as follows:

To the House of Representatives:

I return herewith House Bill No. 46 with an amendment. In my opinion every safeguard should be thrown around the execution, issuance and sale of the enormous amount of securities contemplated by this bill. To that end I suggest the following amendment:

Amend section 3 of the bill by striking out the word "two" where it first appears in said section and inserting in lieu thereof the word "three."

Respectfully,
Thos. E. Kilby,
Governor.

October 29, 1921.

Yeas, 62; Nays, 0.

Yeas:

Messrs:

Speaker

Adams

Albright

Alexander

Allen

Andrews

Arnold

Barganier

Benners

Blunt

Christian

Clayton

Cliett

Cobbs

Crump

Deese

Edwards (Dallas)	Howle	Parker	Smith
Ellis (Bullock)	Ingram	Partridge	Sparks
Ellis (Elmore)	Jones (Escambia)	Peters	Stewart
Fuller	Johnson	Pittman	Tompkins
Gilbreath	Lawson	Preston	Truss
Green	Lee (Perry)	Reynolds	Tunstall
Guy	Long (Sumter)	Ross	Van de Graaff
Hale	Longshore	Russell	Varnier
Hare	Matthews (Wilcox)	Salter	Williamson
Harrison	Milford	Seale	Wilson
Hawkins	Murphree	Shaw	Woodard
Hollis	McDonald		

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MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendments proposed by the House to the bills:

S. 18. To amend section 6906 of the Code of Alabama (1907).

Also:

S. 77. To provide further for the payment of expenses of treatment, out of the dog tax fund now in the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

W. F. Miller,
Secretary.

MESSAGE FROM THE GOVERNOR.

To the House of Representatives:

I am directed by the Governor to hand you herewith his message concerning House Bill No. 45.

W. A. Darden,
Secretary to the Governor.

October 29, 1921.

GOVERNOR'S MESSAGE.

On motion of Mr. Orr the House concurred in and adopted the amendment proposed by the governor to the bill, H. 45, said governor's amendment being as follows:

To the House of Representatives:

I return herewith House Bill No. 45 with the following amendments:

"Amend section 1 of said bill by striking out the following sentence: "The governor may for good cause remove any appointed member but the cause of said removal must be by the governor filed with the State highway engineer and recorded in the records of the State highway commission," and insert in lieu thereof the following provision to-wit:

"The governor may remove any member as is now provided by law for the removal of appointed officers by the governor."

Amend section 9 of the bill by striking out the following sentence to-wit: "Said sums herein appropriated, when received by the State treasurer, shall be set aside in a separate fund, known as the State highway

fund and be used for no other purpose than the carrying out of the provisions of this act."

Amend section 10 of the bill by inserting after the words, "Approved by the chairman of the State highway commission," and before the words, "To the effect that such county is entitled to such sums and funds," the following words to-wit: "and the Governor."

Amend section 13 of the bill by inserting after the words "and approved by the State highway commission" and before the words "whenever a county fails to make application" the words "and the governor."

Amend the bill by adding thereto the following section to-wit.

"Section 28. This act shall take effect immediately upon the approval of the governor, the public good requiring it."

Respectfully,
Thos. E. Kilby,
Governor.

October 29, 1921.

Yeas, 50; Nays, 15.

Yeas:

Messrs:

Speaker

Adams

Alexander

Allen

Andrews

Arnold

Benners

Blunt

Bracken

Burleson

Christian

Cliett

Crump

Deese

Edwards (Dallas)

Ellis (Bullock)

Ellis (Elmore)

Fletcher

Gilbreath

Green

Hale

Hare

Hawkins

Howle

Ingram

Jones (Escambia)

Lawson

Lee (Perry)

Long (Sumter)

Matthews (Wilcox)

Milford

Murphree

McDonald

Orr

Parker

Partridge

Pittman

Preston

Ross

Russell

Salter

Seale

Shaw

Sparks

Stewart

Tompkins

Tunstall

Varner

Waddell

Wilson

—50

Nays:

Messrs:

Albright

Carnley

Clayton

Cobbs

Guy

Harrison

Hollis

Johnson

Lee (Butler)

Longshore

Reynolds

Smith

Truss

Van de Graaff

Williamson

—15

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has amended and as amended as therein shown has passed:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

And returns same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

On motion of Mr. Burleson, the House concurred in and adopted the Senate amendment to the bill, H. 33, said Senate amendment being as follows:

Amend section one of the bill, by inserting after the words: "providing funds to pay the cost of any improvement," and before the words "authorized to be made," the following "not to exceed the amount of any estimate or corrected estimate made before the letting of the contract,"

And by inserting after the words "for the completion of the improvement," where they occur in subdivision two of section one of the bill, the following words, "within the limits as hereinabove provided."

Yeas, 64; Nays, 0.

Yeas:

Messrs:

Speaker	Crump	Ingram	Ross
Adams	Deese	Jones (Escambia)	Russell
Albright	Edwards (Dallas)	Johnson	Salter
Alexander	Ellis (Bullock)	Lawson	Seale
Allen	Ellis (Elmore)	Lee (Butler)	Shaw
Andrews	Fletcher	Lee (Perry)	Smith
Arnold	Fuller	Long (Sumter)	Sparks
Barganier	Gilbreath	Longshore	Stewart
Benners	Green	Matthews (Wilcox)	Tompkins
Blunt	Guy	Murphree	Truss
Bracken	Hale	McDonald	Tunstall
Burleson	Hare	Parker	Van de Graaff
Carnley	Harrison	Partridge	Varner
Christian	Hawkins	Peters	Waddell
Cliett	Hollis	Pittman	Williamson
Cobbs	Howle	Preston	Wilson

—64

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the governor to the bill:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

By a vote of Yeas 21 and Nays 0, and returns said bill and governor's message herewith to the House.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted the amendment proposed by the governor to the bill:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

By a vote of Yeas, 21; Nays, 0, and returns same herewith to the House, together with the governor's message.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following resolution:

By Mr. Rogers of Sumter:

S. J. R. 36. Be it resolved by the Senate, the House concurring, that the Secretary of the Senate, Assistant Secretary of the Senate, Chief Clerk to the Secretary and five clerks; and the Clerk of the House, Assistant Clerk of the House, Reading Clerk of the House and five clerks, to be named by the Secretary of the Senate and Clerk of the House, respectively, be given a period of three weeks or so much thereof as may be necessary after the final adjournment of this session of the Legislature, to check and compare the journals and registers of the two houses, at the same per diem as they are now allowed by law.

Be it further resolved, that the clerks employed under this resolution shall be relieved from duty as the work is finished.

And sends same herewith to the House.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 36 which is set out in the above and foregoing message from the Senate.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills, your signature thereto is requested:

S. 30. To propose an amendment to the Constitution of Alabama, authorizing the State to locate, construct, improve, repair, and maintain public roads, highways and bridges in the State of Alabama; and to this end to authorize the State to issue and sell negotiable and interest-bearing bonds to an amount not to exceed twenty-five millions of dollars, (\$25,000,000.00); and to provide revenue and funds for the prompt and faithful payment of the principal and interest on such bonds; and to order an election by the qualified electors of the State upon such proposed amendment to be held on the first Monday after the expiration of three months from and after the final adjournment of the present special session of the Legislature.

S. 59. To provide for incorporation of co-operative marketing associations for marketing farm products; to provide for certain of such associations to have capital stock and others be without capital stock; to provide for membership in such associations and for government and restriction of membership; to give certain powers to such associations and provide how they shall do business.

S. 2. To protect State and county officials and other persons against suits to recover money paid out, under statutes subsequently held to be unconstitutional or void.

S. 3. To transfer all moneys from the fine and forfeiture fund of Calhoun county, Alabama, to the general fund of said county, and to authorize the president of the court of county commissioners of said county from time to time after the passage of this act to transfer the fine and forfeiture fund of said county to the general fund.

S. 35. To repeal an act entitled "An act to further provide for improvement and maintenance of the public roads and bridges of Henry county, Alabama, by authorizing the court of county commissioners thereof, to fix and provide payment of a per capita road tax in lieu of road and bridge service and levy and collect a vehicle tax and to provide penalty for violations of and failures to comply with provisions created under authority of this act."

S. 74. To authorize the State treasurer to refund to county fair associations any license money paid by such association after the first day of July, 1921, and before the first day of October 1921, and to authorize the auditor to draw his warrant for such sum or sums in favor of the association paying same.

S. 34. To empower any city or municipal corporation by resolution of its governing body to resume or take over the authority to control, manage, supervise, repair, maintain, and improve any street or streets or any part thereof lying within such city or municipal corporation, where such authority is now or may hereafter be vested in the board of county commissioners or other governing body of the county in which such city or municipal corporation is located, upon such county's paying or contracting to pay such sum or sums as may be ascertained and designated in such resolution as the reasonable charge to be paid by such county for being relieved of the burden of the control, ~~management, supervision, repair, maintenance and improvement~~ of such street or streets or part thereof; and to repeal all laws and parts of laws in conflict with the provisions of this act.

S. 52. To amend section 197 of an act entitled "An act to provide for the general revenue of the State of Alabama."

S. 25. To make it unlawful for any person to obtain money or other property or credit by check, draft or order which is not

paid by the drawee; and where the same is not refunded or restored by such person on written demand mailed to his last known address; and to make the fact of such person not having on deposit with the drawee such money or other property prima facie evidence of said fraudulent intent.

S. 18. To amend section 6906 of the Code of Alabama (1907).

S. 68. To amend section 3983 of the Code of 1907 (volume 2, page 630, of the Code of 1907).

S. 77. To provide further for the payment of expenses of treatment, out of the State treasury, of indigent persons who have been bitten by mad dogs or other mad animals.

W. F. Miller,
Secretary.

SIGNING OF BILLS.

The Speaker of the House in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing message from the Senate.

BILL ON THIRD READING.

S. 67. To provide for recording assignments or transfers of mortgages of real and personal property, or either, and to declare the effect of recording or failing to record such assignments or transfers.

Was taken up. Mr. Tunstall offered the following amendment to the bill: "Amend by inserting after the words 'or either' where they occur the following: 'where attested or acknowledged as provided by law for attesting or acknowledging mortgages.'"

On motion of Mr. Tunstall the bill and amendment were indefinitely postponed.

MOTION TO RECONSIDER.

Mr. Hare moved to reconsider the vote by which the bill:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

Was lost on yesterday. The motion prevailed and the bill was reconsidered.

The vote by which the bill was ordered to a third reading was on motion of Mr. Hare reconsidered.

Mr. Hare offered the following amendment to the bill:

"Amend Senate bill 45, Sec. 2, by adding after the word 'farms' and between the word 'all' in line 19 the following:

"and all residences of farmers located on farms who actually reside therein and who devote themselves exclusively to farming or stock raising" provided that no tenant or farm houses exceeding \$1,000.00 in value is exempted from taxation by this act."

Mr. Seale offered the following substitute for the amendment: Amend by including all agricultural buildings, improvements and live stock."

And the amendment offered by Mr. Seale was lost:
Yeas, 17; Nays, 47.

Yeas:

Messrs:

Speaker	Dunaway	Longshore	Reynolds
Adams	Guy	Matthews (Wilcox)	Ross
Arnold	Hale	Murphree	Seale
Bracken	Harrison	Peters	Tompkins
Crump			

—17

Nays:

Messrs:

Albright	Edwards (Dallas)	Johnson	Shaw
Alexander	Ellis (Bullock)	Lawson	Smith
Allen	Ellis (Elmore)	Lee (Butler)	Sparks
Andrews	Fletcher	Lee (Perry)	Stewart
Barganier	Fuller	Milford	Truss
Blunt	Gilbreath	McDonald	Tunstall
Burleson	Green	Parker	Van de Graaff
Christian	Hare	Partridge	Waddell
Clayton	Hollis	Pittman	Williamson
Cliett	Howle	Preston	Wilson
Cobbs	Ingram	Russell	Woodard
Deese	Jones (Escambia)	Salter	

—47

Mr. Carnley offered the following amendment to the amendment:

"Amend the amendment by adding after the last word the following: in excess of the amount of \$1,000."

And the amendment was lost.

And the amendment offered by Mr. Hare was adopted.

Yeas, 56; Nays, 9.

Yeas:

Messrs:

Speaker	Clayton	Green	Lee (Butler)
Adams	Cliett	Guy	Lee (Perry)
Albright	Cobbs	Hale	Long (Sumter)
Alexander	Crump	Hare	Longshore
Allen	Deese	Hawkins	Matthews (Wilcox)
Andrews	Dunaway	Hollis	Milford
Blunt	Edwards (Dallas)	Howle	McDonald
Bracken	Ellis (Bullock)	Ingram	Parker
Burleson	Ellis (Elmore)	Jones (Escambia)	Partridge
Carnley	Fuller	Johnson	Peters
Christian	Gilbreath	Lawson	Pittman

Reynolds	Salter	Stewart	Williamson
Ross	Shaw	Truss	Wilson
Russell	Smith	Tunstall	Woodard

—56

*Nays:**Messrs:*

Barganier	Orr	Sparks	Van de Graaff
Harrison	Seale	Tompkins	Waddell
Murphree			

—9

And the bill:

S. 45. To amend section 2 of an act entitled "An act to provide for the general revenue of the State of Alabama," approved Sept. 15, 1919.

As amended was read a third time at length and lost.

Not receiving the majority as required by the Constitution.

Yeas, 45; Nays, 23.

*Yeas:**Messrs:*

Albright	Dunaway	Jones (Escambia)	Pittman
Alexander	Edwards (Dallas)	Johnson	Reynolds
Allen	Ellis (Bullock)	Lawson	Russell
Andrews	Ellis (Elmore)	Lee (Butler)	Salter
Blunt	Fuller	Lee (Perry)	Shaw
Burleson	Green	Long (Sumter)	Smith
Carnley	Guy	Longshore	Stewart
Christian	Hale	Matthews (Wilcox)	Tunstall
Clayton	Hare	McDonald	Williamson
Cliett	Hollis	Parker	Wilson
Cobbs	Howle	Peters	Woodard
Deese			

—45

*Nays:**Messrs:*

Speaker	Gilbreath	Orr	Sparks
Adams	Harrison	Partridge	Tompkins
Arnold	Hawkins	Preston	Truss
Barganier	Ingram	Robertson	Van de Graaff
Bracken	Milford	Ross	Waddell
Crump	Murphree	Seale	

—23

S. 54. To repeal an act entitled "An act to promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorporated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or

embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." Approved September 30, 1919.

Was read a third time at length and passed.

Yeas, 59; Nays, 0.

Yeas:

Messrs:

Speaker	Crump	Johnson	Robertson
Adams	Deese	Lawson	Ross
Albright	Dunaway	Lee (Butler)	Russell
Alexander	Edwards (Dallas)	Lee (Perry)	Salter
Allen	Ellis (Bullock)	Long (Sumter)	Seale
Andrews	Fuller	Longshore	Shaw
Arnold	Gilbreath	Matthews (Wilcox)	Smith
Barganier	Green	Milford	Sparks
Blunt	Guy	Murphree	Truss
Bracken	Hale	Parker	Tunstall
Burleson	Hare	Partridge	Van de Graaff
Carnley	Harrison	Peters	Waddell
Christian	Hawkins	Pittman	Williamson
Cliett	Ingram	Preston	Wilson
Cobbs	Jones (Escambia)	Reynolds	

—59

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

Was taken up. Mr. Seale offered the following amendment to the bill:

"Amend section 13 by striking out the words, "that only the qualified electors residing in the district from which the member is to be elected shall be eligible to vote for such member."

Mr. Long of Sumter moved to table the amendment offered by Mr. Seale, and the motion to table was lost.

And the amendment offered by Mr. Seale was lost.

Yeas, 10; Nays, 44.

Yeas:

Messrs:

Speaker	Guy	Reynolds	Tompkins
Adams	Harrison	Seale	Van de Graaff
Edwards (Dallas)	Johnson		

—10

Nays:

Messrs:

Albright	Burleson	Deese	Hollis
Alexander	Carnley	Dunaway	Ingram
Allen	Christian	Ellis (Elmore)	Jones (Escambia)
Andrews	Clayton	Gilbreath	Lee (Butler)
Arnold	Cliett	Green	Lee (Perry)
Blunt	Cobbs	Hare	Long (Sumter)
Bracken	Crump	Hawkins	Milford

Murphree	Pittman	Russell	Truss
McDonald	Preston	Salter	Waddell
Parker	Robertson	Shaw	Williamson
Partridge	Ross	Smith	Woodard

—44

And the bill:

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

Was read a third time at length and passed.

Yeas, 51; Nays, 5.

Yeas:

Messrs:

Speaker	Cliett	Johnson	Ross
Adams	Cobbs	Lee (Butler)	Russell
Albright	Crump	Lee (Perry)	Salter
Alexander	Deese	Long (Sumter)	Shaw
Allen	Dunaway	Longshore	Smith
Andrews	Ellis (Elmore)	Murphree	Sparks
Arnold	Gilbreath	Parker	Tompkins
Barganier	Green	Partridge	Truss
Blunt	Hare	Peters	Tunstall
Bracken	Hollis	Pittman	Waddell
Burleson	Howle	Preston	Williamson
Christian	Ingram	Reynolds	Wilson
Clayton	Jones (Escambia)	Robertson	Woodard

—51

Nays:

Messrs:

Carnley	Harrison	Seale	Van de Graaff
Guy			

—5

S. 47. For the relief of P. B. Jarman of Sumter county authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

Was read a third time at length and passed.

Yeas, 56; Nays, 2.

Yeas:

Messrs:

Speaker	Cliett	Howle	Reynolds
Adams	Cobbs	Ingram	Ross
Albright	Crump	Johnson	Russell
Alexander	Deese	Lawson	Salter
Allen	Dodson	Long (Sumter)	Seale
Andrews	Downs	Longshore	Shaw
Arnold	Dunaway	Milford	Smith
Barganier	Fuller	Murphree	Sparks
Benners	Gilbert	McLeod	Tompkins
Blunt	Green	Oliver	Truss
Bracken	Guy	Or-	Tunstall
Burleson	Hale	Parker	Varner
Carnley	Hare	Partridge	Williamson
Christian	Hollis	Preston	Woodard
Clayton			

—56

Nays:

Messrs:

Van de Graaff Waddell

—2

S. 60 (with amendment). To amend section 3026 of the Code of Alabama.

Was taken up. The question was upon the adoption of the amendment reported by the Standing Committee on Revision of Laws, said committee amendment being as follows:

"Amend the bill by striking out from line one, page 2, the following words "of the State," also by striking out the word "State" in line 8, page 2 of the bill."

On motion of Mr. Green, the bill S. 60, and pending amendment, together with all bills on the calendar were indefinitely postponed.

RECESS.

On motion of Mr. Waddell, the House recessed until 4 p. m.

AFTERNOON SESSION.

The hour of four o'clock having arrived, the House reconvened.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted H. J. R. 50 relative to the distribuiton of the acts and journals of this Special Session of the Legislature.

And returns same herewith to the House.

W. F. Miller,
Secretary.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The President of the Senate having signed the following Senate bills and resolution your signature thereto is requested:

S. J. R. 36. Relative to the Secretary of the Senate and Clerk of the House, together with their assistants, being allowed three weeks in which to check up the journals and registers of the two houses, their pay being the same as now allowed by law.

S. 54. To repeal an act entitled an act "To promote the public health, convenience and welfare by leveeing, ditching, draining and pumping out the water from the wet swamp and overflowed lands in all counties of Alabama having in them incorpor-

ated cities which now have or which may hereafter have a population of as much as fifty thousand and less than one hundred and twenty-five thousand people, according to the last Federal census, or any such census which may hereafter be taken, and providing for the establishment of levee or drainage districts for the purpose of enlarging or changing any natural water courses, and for digging ditches or canals for securing better drainage, or providing better outlets for drainage, for building levees or embankments and installing tide gates or pumping plants for the reclamation of overflowed and tidal lands, and prescribing a method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing and selling bonds therefor, and for the care and maintenance of such improvements, when constructed." "Approved September 30, 1199."

S. 47. For the relief of P. B. Jarman of Sumter county authorizing the payment of warrant issued to him for services rendered in relation to public roads, on which payment was refused by reason that the account was not filed within twelve months.

S. 53. To amend an act to establish a board of revenue for Sumter county, and for the abolishment of the court of county commissioners of said county, approved Feb. 22nd, 1919.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills and joint resolution the titles to which are set out in the above and foregoing message from the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House bills:

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Also:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Also:

H. 42. To amend section 19 of an act entitled, "An act to enlarge the authority, powers and jurisdiction of the Alabama public service commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders, and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Also:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness' fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Also:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Also:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany, and Tuscaloosa, in the State of Alabama, may levy and collect through their duly consti-

tuted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF BILLS.

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles to which are set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Mr. Speaker:

Your Committee on Enrolled Bills begs leave to report that it has examined the following House resolution:

H. J. R. 50. Relative to delivery of Acts and journal of the Special Session of the Legislature.

And finds same correctly enrolled.

Robt. F. Peters,
Chairman.

SIGNING OF RESOLUTION.

The Speaker of the House in the presence of the House signed the joint resolution, the title of which is set out in the above and foregoing report from the Standing Committee on Enrolled Bills.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has originated and adopted the following joint resolution:

By Mr. Acker:

S. J. R. 30. Resolved by the Senate, the House concurring, that a committee of two from the Senate and three from the House be appointed to wait upon the governor and ascertain whether he desires to make any further communication to the Legislature before final adjournment.

And sends same to the House without engrossment.

Committee on part of the Senate: Messrs. Acker and Smith of Coosa.

W. F. Miller,
Secretary.

SENATE MESSAGE.

The House concurred in and adopted S. J. R. 39 which is set out in the above and foregoing message from the Senate and the Speaker named on part of the House, Messrs. Green, Waddell and Long of Sumter.

COMMITTEE MAKES REPORT.

The Committee appointed to confer with the governor, reported that he had no further business to bring before the Legislature.

* CERTIFICATE OF THE CLERK.

I hereby certify that the following bills and resolution were delivered to the governor on the date and hour named and that I hold the receipt of the executive department for same:

Oct. 29, 1921—11:30 a. m.

H. 115. To authorize the commissioners' court of Conecuh county, Alabama, to pay out of the general fund of said county to the tax assessor of said county, the sum of six hundred dollars per annum for extra assistance in his said office.

Also:

H. 120. To appropriate the sum of four hundred and twenty-five dollars (\$425.00) out of the State treasury for the relief of Rev. J. E. Deer.

Also:

H. 52. For the relief of Rev. J. M. Johnson of Eclectic, Alabama, and to appropriate and pay to him the sum of \$280.00 for services rendered as a preacher of the gospel at the State penitentiary at Wetumpka, Alabama.

Also:

H. 18. To appropriate twenty-five thousand dollars (\$25,000.00) for the payment of expenses to be incurred in the publication of proclamations and notices, and other necessary expenses payable by the State in calling and holding elections for the constitutional amendments to be voted on at special elections ordered and held in accordance with acts or resolutions of this Special Session of the Legislature.

Also:

H. 71. To repeal section 20 of the act of the Legislature of Alabama approved September 25, 1915, and entitled "An act to further prescribe and regulate the qualifications, number, designation, duties, and powers of the circuit judges of the State, and to provide for their election and appointment."

Oct. 29, 1921—5:10 p. m.

H. 82. To provide for the incorporation of education boards having for their purpose the fostering of education in general and education under denominational control in particular, to define the rights and powers of such boards, and to provide that such boards may be affiliated with or controlled by a convention or conventions, or an association or associations, whether incorporated, or unincorporated, composed of members, delegates, representatives or messengers of or from any church or religious association having a congregational form of church government.

Also:

H. 33. To amend sections 1408 and 1409 of the Code of Alabama.

Also:

H. 42. To amend section 19 of an act entitled "An act to enlarge the authority, powers and jurisdiction of the Alabama Public Service Commission so as to more effectively provide for the supervision, inspection and regulation by said commission in the public interest of the construction, maintenance and operation of public utilities and of their service, rules, regulation and practices; fares, rates and charges; facilities and plants; franchises, licenses and contracts; and their valuation, financing and securities; to provide for the payment of supervision and inspection fees by utilities, and to provide measures for the enforcement of the commission's orders and penalties for failure to comply with the orders of the commission or with the provisions of this act," approved October 1, 1920.

Also:

H. 57. To further prescribe the duties of county treasurers in counties of more than two hundred thousand population according to the last or any subsequent preceding Federal census; to provide for clerical assistance for such treasurers, for the

employment of attorneys to advise and represent such treasurers, and for the compensation of such treasurer, assistants, and attorney; and to require the deposit of county funds.

Also:

H. 113. To provide for the fixing of fees and compensation of witnesses subpoenaed on behalf of the State to appear before the grand jury, the county court and the circuit court of Conecuh county, Alabama; to provide the manner in which said fees shall be paid; to provide the amount of said witness fees and compensation to be charged in costs against a defendant when convicted, or against the prosecutor when taxed with the costs; and to authorize the transfer of one thousand dollars per annum from the general fund to use in the payment of said fees and compensation.

Also:

H. 46. To authorize and provide for the issuance and sale of State bonds for the purpose of constructing, improving, and maintaining roads, highways, and bridges.

Also:

H. 35. To provide and submit to the qualified electors of the State of Alabama, at the next general election, an amendment to the Constitution of Alabama, whereby the following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany, and Tuscaloosa, in the State of Alabama, may levy and collect through their duly constituted governing authorities a rate of taxation on the property situated therein, not exceeding in the total in any one year of one per centum of the value of such property as assessed, as provided by the Constitution and statutes now or hereafter enacted pursuant to the Constitution; provided, that the adoption of this amendment, shall in no wise, affect, limit, modify, abridge or impair the power, authority or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for.

Also:

H. 45. To provide further for the construction, repair and maintenance of the public roads, bridges and highways in this State.

Oct. 29, 1921—5:10 p. m.

H. J. R. 50. Relative to delivery of Acts and journal of the Special Session of the Legislature.

Fred H. Gormley,
Clerk.

RESOLUTION.

Mr. Green offered the following resolution:

H. J. R. 51. Be it resolved by the House, the Senate concurring, that the two houses do now adjourn *sine die*.

The rules were suspended and the resolution was adopted.

MESSAGE FROM THE SENATE.

Mr. Speaker:

The Senate has concurred in and adopted H. J. R. 51 relative to the adjournment *sine die* of the two houses.

W. F. Miller,
Secretary.

JOURNAL.

The acting chairman of the Standing Committee on Revision of the Journal made the following report:

Mr. Speaker:

Your Committee on the Revision of the Journal begs leave to report that it has examined the journal for the eighteenth day and finds the same to be correct.

W. G. Allen,
Acting Chairman.

The report of the committee was concurred in and adopted and the journal for the 18th day was approved.

ADJOURNMENT.

The Speaker of the House at 6:04 p. m. declared the House of Representatives adjourned *sine die*.

Attest: S. A. Lynne,
Speaker, House of Representatives.
Fred H. Gormley,
Clerk, House of Representatives.

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